

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2403 OF 2024**

Rohit Anil Admane @ Musaparkar ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Shailesh Kharat with Mr. Sangram Jadhav, Mr. Tanmay Kate, for Applicant.

Mr. Pankaj Devkar, APP for State.

Mr. Kiran Unde, PI and Mr. S.B.Tengale, API, Chembur Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 28 JANUARY 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant, who is arraigned in C.R.No.227 of 2023 registered with Chembur Police Station for the offences punishable under Sections 120-B, 302, 201, 328, 364, 346 and 347 of the Indian Penal Code, 1860, seeks to be enlarged on bail.
3. The indictment against the applicant, co-accused and absconding accused runs as under :

Rohini Kamble, the mother of Vishal Kamble (the deceased) is the sister of Pradip Ramteke, the absconding accused. Rohini had bungalows at Chambur and also at Kolhapur. Pradip Ramteke intended to usurp those properties. A criminal conspiracy was thus hatched to eliminate the deceased and Rohini Kamble by Pradip Ramteke and other co-accused and absconding

accused.

4. In pursuance of the said conspiracy, Munir Pathan (A2) called Vishal Kamble (the deceased) at Hotel Neelkamal, Chembur on the pretext of entering into a transaction for sale of those properties. When the deceased and Rohini Kamble came thereat, they were abducted and kept in a villa at Panvel. Jyoti Waghmare (A1) administered sedative laced injection to the deceased and Rohini Kamble. Jyoti Waghmare (A1), Munir Pathan (A2) Raju Darvesh (A4) and the applicant (A3) who is also the cousin of Pranav Ramteke (A5) allegedly killed the deceased and dumped the body of the deceased in the State of Gujarat. Rohini Kamble was abducted and detained at various places in the State of Rajasthan, and at Goregaon in Mumbai. It is alleged that the applicant was also privy to the said conspiracy and the offences were committed with a view to usurp the properties of the deceased and Rohini Kamble.

5. Mr. Kharat, learned Counsel for the Applicant submitted that, the applicant has been roped in on the basis of suspicion as the applicant and his wife Saira Khan (A6) were seen near a building at Aarey Colony, after more than ten days of the alleged abduction and killing of the deceased. Rohini Kamble, mother of the deceased, who is the star witness for the prosecution, has not named the applicant in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973. Had the applicant been confederate in

the conspiracy and participated in the alleged abduction and killing of the deceased, Rohini Kamble would have named the applicant.

6. Mr. Kharat further submitted that the other material against the applicant is in the form of the statement of witnesses who professed to identify the applicant as the person who had visited Rajasthan along with the co-accused, upon being pointed out by the police. Such identification is of no significance, urged Mr. Kharat. Lastly, the statement of vehicle owner also does not squarely incriminate the applicant. Since the entire case rests on circumstantial evidence, which does not have a conclusive tendency, the applicant who has been in custody since 2 May 2023, deserves to be enlarged on bail.

7. Mr. Devkar, learned APP, strongly opposed the prayer for bail. It was submitted that the applicant was the principal confederate in the conspiracy. There is material to show that the applicant had visited Kolhapur to meet the co-accused to hatch the conspiracy. There are statements of witnesses which show that the applicant was actively involved in the commission of the offences at every stage. The applicant had also made discoveries which also incriminate the applicant. Thus, having regard to the nature and gravity of the offences, the applicant does not deserve to be enlarged on bail.

8. Evidently, the case rests on circumstantial evidence. The circumstances arrayed against the applicant, in particular, thus, deserve to be

appraised albeit prima facie.

9. The panchanama of the images in the CCTV indicates that on 15 April 2023, the applicant and his wife Saira (A6) were seen alongwith the co-accused and Rohini Kamble. The thrust of the submission of Mr. Kharat was that the said presence along with the co-accused, may not incriminate the applicant as the incident had allegedly occurred on 5 April 2023.

10. Had the matter been restricted to the applicant being found in the company of the co-accused and Rohini Kamble alone, different considerations would have come into play. There are as many as three disclosures statements made by the applicant. Pursuant to the second disclosure statement dated 8 May 2023, the Tata Safari car in which the deceased and Rohini Kamble had travelled, was recovered from a parking lot at Ajmer, Rajasthan. A photocopy of the Aadhar card of the applicant was recovered from the dashboard of the said car. Mr. Kishan Chand, the person who operated the said parking lot, did identify the applicant as the person who had came to the said parking lot on 8 April 2023 alongwith the Tata Safari car. Recovery of the car of the deceased at the instance of the applicant from a place hundreds of kilometers away, prima facie, incriminates the applicant.

11. Secondly, the statement of Sachin Bhagodi also shows the involvement of the applicant. Sachin Bhagodi claimed to have known the applicant. On 13 April 2023, he had accompanied the applicant and co-accused to Ajmer.

On the way, other co-accused and alongwith Rohini Kamble joined them, at Sarwad Sharif. They returned to Mumbai on 15 April 2023 and the occupants of the car alighted at Aarey colony where Saira Khan (A6), wife of the applicant was present.

12. Mr. Mohd. Shahid, a tenant of the shop premises of Saira Khan (A6) has stated that on 5 April 2023 at about 4.15 a.m., the applicant had collected his Maruti Echo Car bearing No.MH-01/AV-1029 from Gowandi on the instructions of Saira Khan (A6).

13. Pursuant to the disclosure statement made by Raju Darvesh (A4), wherein the applicant was also implicated as the co-accused, the body of the deceased was recovered from a secluded place on Vadodara-Ahmedabad Express Highway, near Village Sakdhara.

14. Thus, the material on record, prima facie, indicates that the applicant was involved right from the day of abduction till the applicant and co-accused were apprehended along with Rohini Kamble. To add to this, the disclosure statements made by the applicant which squarely incriminates him and the material to show that the applicant was in touch with Pranav Ramteke and had also visited Kolhapur, if considered cumulatively, make out a strong prima facie, case against the applicant.

15. In these circumstances, I find it rather difficult to accede to the submission of Mr. Kharat that the applicant has been roped in only on the

basis of his presence at the place where Rohini Kamble was allegedly confined. Prima facie, the applicant appears to be one of the principal confederates in the conspiracy. Thus, having regard to the nature and gravity of the offences, the applicant does not deserve to be enlarged on bail.

16. Hence, the following order :

ORDER

(i) The Application stands rejected.

(ii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the co-accused and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)