

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.940 of 2015

Rajabhau s/o Rameshwar Koli. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. Sandip C. Swami Chakurkar, Advocate, for
applicant.

Smt. M.A. Deshpande, Additional Public Prosecutor, for
respondent.

CORAM: T.V. NALAWADE, J.

DATE : 10th MARCH 2015

ORDER:

1) The application is filed for relief of bail. Both the sides are heard. This Court has perused the papers of investigation.

2) Crime is registered on the basis of report given by one Nitin Chougule, brother of deceased Sunil Chougule. Sunil had some dispute with main accused Subhash Chavan. On 27-9-2014 Sunil left home at 8.00

a.m. by saying that he was going to supply milk to a dairy. He did not return to home after that. The dead body of Sunil was found on 28-9-2014 at about 11.00 a.m. and there were bleeding injuries on the dead body. The dead body was found at Murud.

3) There are statements of witnesses like Ram Kale and his wife which are to the effect that present applicant was on driver's seat in auto rickshaw and the applicant, the deceased and one more accused had left together the place of the witnesses on 27-9-2014 after 8.00 pm. Thus there is material on last seen circumstance.

4) There is material to show that Subhash had motive to commit murder of Sunil. As per the record the applicant is working as driver on auto rickshaw belonging to Subhash and he was in the company of Subhash and the deceased at the aforesaid time. From Subhash the other material like weapon, stone, used for assault on the deceased is recovered under section 27 of the Evidence Act. The post mortem report shows that as many as 7 injuries were found on the dead body which

were mainly on the head. There was haematoma under the scalp and the death took place due to head injury. Thus there is sufficient material to make out a strong prima facie case for offence punishable under section 302 read with 34 of the Indian Penal Code. There is possibility of tampering with the witnesses. The accused had shown courage to finish a person out of a petty dispute and they had come together to finish Sunil. It is not a fit case to grant the relief of bail.

5) In the result, the application is rejected.

Sd/-
(T.V. NALAWADE, J.)

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