

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 1782 OF 2015.

AVINASH S/O BALAJI DHUMAL.

VERSUS

THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Upendra Bilolikar, Advocate for the Applicant.

Mr. A.S, Shinde, Additional Public Prosecutor for the Respondent – State.

CORAM : V.M. Deshpande, J.

DATE : 7th May, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail, in connection with CR No.50/2014 registered with Police Station, Ramtirth, Taluka – Naigaon, District – Nanded for the offences punishable under Section/s 302, 364, 201 read with 34 of the Indian Penal Code.

[2] Heard Mr. Upendra Bilolikar, learned counsel for the Applicant and Mr. A.S, Shinde, learned Additional Public Prosecutor for the Respondent – State.

According to the learned counsel for the applicant, since the investigation is already over and charge sheet is filed and case of the prosecution is completely based on circumstantial evidence, present applicant can be released on bail, by imposing certain conditions.

[3] Prayer of bail is strongly opposed by the learned Additional Public Prosecutor.

[4] Dead body of Satyawan Bhagwan Tammewar was found in a decomposed condition in Telangana State. Deceased was found to be missing since 7th October, 2014. That required his brother Santosh to lodge the missing report with Police Station, Ramtirth, Taluka – Naigaon, District – Nanded on 8th October, 2014.

[5] Deceased was close friend of accused No.1 – Avinash Ramrao Ankulwar. Accused No.1 and deceased Satyawan were money lenders. According to the prosecution, though there is no direct evidence however, during the course of Police custody remand, present Applicant has made two disclose statements leading to recovery of motorcycle of deceased Satyawan, which was thrown into a secluded well and also burnt clothes and mattress in the car, which were required to be burnt because there was blood of deceased on the said articles.

[6] The learned Additional Public Prosecutor has pointed out the statement of Jagdish Sadashiv Shinde. He is having his jewelery shop at Naigaon, District – Nanded. His statement would reveals that on 09/10/2014 when he was sitting at Padmawati Jewellers, present applicant – Avinash came to his shop and sold gold ring for Rs.22,000/-. His statement would further reveals that during the course of investigation, present Applicant was taken to his shop and he has confirmed fact that Applicant has been to his shop and sold gold ring.

[7] There is also statement of Vitthal Patil, who is goldsmith and he is having his shop by name New Govindraaj Jewelersat village Narsi. His

statement would reveals that deceased Satyawar has prepared one gold ring from him. Said gold ring was having hall mark of shop of Vitthal. Gold ring, which was seized from Jagdish was identified by Vitthal stating that it is the same gold ring which was prepared for deceased Satyawar by Vitthal.

[8] In that view of the matter, there is sufficient evidence available in the prosecution case to connect the Applicant to brutal murder of deceased Satyawar. Hence, Criminal application is rejected.

(V.M. DESHPANDE, J.)