

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1784 OF 2015

Vikas s/o. Dadarao Gavali **....Applicant**

Versus

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

Mr. T.M. Venjane, Advocate for applicant.

Mr. S.A. Ambad, APP for State.

CORAM : T.V. NALAWADE, J.

DATED : 3rd July, 2015.

ORDER :

1. The application is filed for bail. The previous application of the applicant was disposed of by this Court on 30.1.2015 as withdrawn. When this Court expressed that this Court is not inclined to grant the relief, it was withdrawn. That disposal needs to be treated as rejected on merits. Liberty was given to the applicant to approach this Court again after filing the chargesheet. So, the present application was filed. Both the sides are heard.

2. Though the chargesheet is now filed, it was necessary for the learned counsel for the applicant to show that there is some more material, it is in favour of the accused due to

which the accused needs to be granted bail. No such new material was shown. However, the learned APP produced the record like T.I. parade to show that the deceased was last seen in the company of the applicant by the waiter of the hotel and he identified the present applicant in T.I. parade.

3. The material collected against the applicant is on motive and it is on last seen. The colleagues of the applicant and deceased had seen deceased in the company of the applicant at about 8.30 p.m. and they had noticed that both of them were drunk. They had noticed that the applicant was making the deceased to consume more liquor. Then the applicant and the deceased entered in one hotel and they took meal. They left the hotel at 11.00 p.m. The record is there to show that the motorcycle was driven by the present applicant and he had taken the deceased up to that hotel. This motorcycle was parked in front of this hotel and dead body of the deceased was found near the same hotel.

4. The aforesaid material is sufficient to make out the case for offence of murder. The learned APP submitted that for petty amount of Rs. 30,000/- which was due from the applicant, murder was committed. The P.M. report shows that as many as

21 injuries were found on the dead body which were mostly on the head portion. These injuries had caused fractures of face bones and head bones. These injuries are sufficient to show that there was intention to finish the deceased and the death took place due to head injury. It was a brutal murder and it was committed after the deceased was made to consume more liquor. Such person can do anything. Poor persons are involved as witnesses and there is possibility of tampering of the witnesses at the hands of applicant. It is not a fit case to grant bail. The application is rejected.

[T.V. NALAWADE, J.]

ssc/