

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's orders.	Office Coram,	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 3253 OF 2015

NITIN S/O LAXMAN DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Andhale M. R.
APP for Respondent: Mr. P. N. Muley.

CORAM: T. V. NALAWADE, J.
DATED: 28th JULY. 2015.

PER COURT:

1. The application is filed for bail. Both the sides are heard.
2. This is second application filed for bail by the accused and the previous bail application was rejected on merits on 25th October, 2013. Learned counsel for the Accused submitted that the case is not yet decided and in view of the period for which the accused has been behind bars, he is entitled to get bail.
3. This Court has already discussed the material available against the accused. Now, witnesses are

examined in the trial Court. The evidence is of the nature of last seen, recovery of articles of deceased on the basis of statement given by the accused under section 27 of the Evidence Act and the motive.

4. The deceased and the accused were working in the same company. On the night between 13th January, 2013 and 14th January, 2013 the accused and the deceased were seen together and they had gone to Madhu Wine Shop situated at Baba Chowk Petrol Pump, Aurangabad. In the shop C.C.T.V. Cameras are fixed. Transcript of the footage of CCTV camera is produced on record. The transcript shows that at 19:15:36 hours accused had brought the deceased to the shop and accused was holding the hand of the deceased. Deceased was heavily drunk and he was not in a position to control himself. The footage shows that accused had taken out the cash from the pocket of the clothes of the deceased and after showing the cash to the deceased he handed over the cash to the person from counter for purchasing liquor bottles. They together left the shop after purchasing the bottles. The CCTV footage shows that prior to this incident of the same day, few minutes

prior to the aforesaid time and few minutes after the said incident the deceased and the accused had visited the said wine shop separately for changing liquor bottles.

5. The evidence is now recorded and the persons who were working have identified the accused in the Court. In addition to that, there is a CCTV footage of the aforesaid nature. Wallet of the deceased was recovered on the basis of the statement given by the present applicant under section 27 of the Evidence Act. Learned counsel for the applicant submitted that there is some discrepancy in the description of cloth which were found on the dead body and the clothes which were on the person of deceased as per missing report. This circumstance cannot be considered for the present purpose as the record shows that DNA of the deceased was conducted and the DNA of the brother of the deceased was matched with the DNA of the applicant. This Court holds that there is sufficient material against the present accused for offence punishable under sections 302 read 201 etc. of I.P.C. There is possibility of absconding and now the evidence is also recorded and the case will be concluded within short time.

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3253

6. In the result, the application stands rejected.

[T. V. NALAWADE, J.]

Dt.28/07/2015
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