

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

903. CRI.APPLN/3917/2015

PARMESHWAR S/O RAMCHANDRA BIJRALE  
V/S  
THE STATE OF MAHARASHTRA

Mr. S.J. Salgare h/f. Mr. Mr. T.M. Venjane, Advocate for applicant.

Mr. P.N. Mule, APP for State.

**CORAM : T.V. NALAWADE, J.**

**DATED : 14th August, 2015.**

**ORDER :**

1. This is the second application filed for bail by the applicant in this Court. When this Court expressed that the Court was not inclined to grant the relief while deciding Criminal Application No. 6787/2014, the learned counsel for applicant had withdrawn the application on instruction. Thus, it needs to be treated as rejected on merits. In view of these circumstances, it was necessary for the applicant to show this Court that there has been change in the circumstances.

2. The learned counsel for the applicant had argued the matter exhaustively on the last date though today he is not present. The advocate holding for advocate for applicant sought time. The matter was adjourned only for considering the report which was to be submitted by the Presiding Officer as the time is

fixed by this Court and the case is not disposed of within time. The Presiding Officer has given reasons. The report shows that the charge is framed and on few occasions, the accused was not produced before the Court by the State. State has filed the list of witnesses and the case is ready for leading the evidence.

3. The report shows that when on the last date the Court asked, it was submitted for the accused that accused is waiting for bail from this Court. This circumstance shows that the accused is not interested in getting the early disposal of the case and he is interested in getting released on bail.

4. This Court has discussed the material available as against the accused in previous application and the material is as under :-

“2) The crime is registered on the basis of report given by mother of the deceased. The deceased was working with applicant No. 1. Few days prior to the incident, the deceased had contacted the mother and informed that he had some dispute with applicant No. 1. Applicant No. 1 is close relative of his mother. After that mother could not contact applicant No. 1. There are allegations that on the night between 14<sup>th</sup> and 15<sup>th</sup> June 2014 deceased was murdered in his house by applicant

No. 1 at Dongarshelki, Tahsil Udgir, District Latur. On that day one Santosh was present in the house and he had seen the deceased in the house of accused No. 1 Parmeshwar and after the murder, Parmeshwar had made extra judicial confession to Santosh. There is record like statements of witnesses showing that there was motive for applicant No. 1 to commit the murder. Death took place due to head injury. After murdering the deceased in Dongarshelki, dead body was shifted to Karnataka and attempt was made to disappear the evidence.

3) Allegations are made that applicant No. 2, who is husband of sister of applicant No. 1 – Parmeshwar, helped accused No. 1 for making the evidence to disappear and he had hired a vehicle to shift the dead body to the place where the dead body was found. It appears that the driver of the vehicle is made accused but he is still absconding. In any case the prosecution will be proving the offence under section 201 IPC against applicant no. 2. He is behind the bars since 21.7.2014. Statement is made that this is the first application filed for bail by applicant No. 2 in this Court.”

5. Considering the manner in which the murder is committed and the subsequent conduct of the applicant, the conduct of making the evidence disappear shows that there is

possibility of absconding of the accused. The witnesses are also close relatives. There is possibility of tampering with the prosecution witnesses. In view of these circumstances, this Court holds that the circumstance that no progress is made in the case is not sufficient to grant bail to the accused.

6. In the result, the application is rejected. The trial Court is expected to dispose of the case expeditiously.

**[ T.V. NALAWADE, J. ]**

SSC/