

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3984 OF 2015

Vaibhav Kisanrao Nagare & anr. ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr S.S. Jadhavar, Advocate for applicants;
Mrs M.A. Deshpande, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 1st September, 2015

ORAL ORDER :

The present applicants are accused in C.R. No.95 of 2014, registered with police station, Sengaon, District Hingoli on 2nd December, 2014, for offences punishable under sections 302, 201, 120-B read with sec. 34 of the Indian Penal Code, for causing death of one Sachin Balaji, for which A.D. was registered on 18th July, 2013.

2. The applicants were arrested on 31st December, 2014.

3. The background story, as regards deceased Sachin is concerned, his father Balaji and other relatives, i.e. his other son, have stated in their statements that he was a boy of bad character and was causing humiliation to the family members, because of his activities at home. As such, his father Balaji has given contract to the present applicants to kill

Sachin.

4. It is required to be noted that after discovery of the body of Sachin on the bank of Purna river on 18th July, 2013, the Police Inspector gave a complaint, resulting in registering an accidental death.

5. Upon subsequent investigation in the matter, it was noticed that the father of Sachin, in view of the above referred factual background, has engaged the present applicants as contract killers, who have executed the work.

6. Mr Jadhavar, learned Counsel appearing on behalf of the applicants, has made two-fold contentions; (a) that there is delay in filing the first information report and there is no explanation whatsoever and as such, the applicants are not entitled for benefit of the same and (b) that the accusation is supported only by circumstantial evidence and the same appears to be a weak piece of evidence and even if it is taken to be true at its threshold, yet there is a presumption of innocence of the applicants.

7. With the assistance of the learned Counsel appearing on behalf of the applicants and the learned Addl. Public Prosecutor, I have perused the entire charge-sheet produced on record, so also the copy of the charge-sheet available with the Addl. Public Prosecutor. Based on the same, the

learned Addl. Public Prosecutor would urge that there is sufficient circumstantial evidence available against the applicants and in support thereof, she has relied upon the discovery of the spot, the statement of the shop owner, who has sold rope to the present applicant, the deposit made by applicant no.1 in the financial institution after the incident in question and the last seen statement of Sachin Pachkawde.

8. Apart from above, the investigating agency has also taken the mobile tower location and the record of calls made by the present applicants. In view thereof, no case for grant of bail has been made out, even though the investigation in the matter is complete.

9. Criminal Application, therefore, stands rejected.

(N.W. SAMBRE, J.)

amj