

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 800 OF 2015**

|                             |               |
|-----------------------------|---------------|
| Ambaji @ Nana Hanmant Patil | ...Applicant  |
| Versus                      |               |
| The State of Maharashtra    | ...Respondent |

Mr. Niranjan Mundargi for the Applicant

Mr. S. S. Pednekar, A.P.P for the Respondent-State

**CORAM : REVATI MOHITE DERE, J.**  
**MONDAY, 21<sup>ST</sup> SEPTEMBER, 2015**

**P.C. :**

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
  
2. By this application, the applicant seeks his enlargement on bail in connection with C. R. No. 106 of 2014 registered with the Panhala Police Station, Kolhapur for the alleged offence punishable under Section 302 of the Indian Penal Code.
  
3. The incident in question has taken place on 17<sup>th</sup> September, 2013 between 2:30 p.m to 4:30 p.m. The complainant is the nephew of the

deceased Ganpati Jadhav. He has lodged a complaint expressing his suspicion on the present applicant.

4. Learned Counsel for the applicant states that the only material *qua* the present applicant is - (i) that of last seen together, and (ii) that the body of the deceased Ganpati Jadhav was found in the applicant's house. He submitted that in fact, it was the present applicant who informed Bajirao Jadhav that the deceased was lying in an injured condition in his house. He submitted that these are the only two circumstances *qua* the applicant and the same are not sufficient to show the complicity of the applicant in the present crime.

5. Learned A.P.P opposed the bail application. He submitted that there are statements of two witnesses, who have last seen the deceased in the company of the applicant. He submitted that the incident has occurred in the house of the applicant and that the deceased was found lying with an injury on his head in the applicant's house. He submitted that the post-mortem report shows that the deceased had sustained as many as four

injuries on his person. He submitted that the applicant's blood stained clothes were found on the spot.

6. Perused the papers. The evidence *prima facie* shows that apart from last seen, there is evidence in the form of recovery of blood stained clothes of the applicant which were found from his residence and that the deceased was found dead in the house of the applicant. Even otherwise, it appears that charge has been framed against the applicant by the Trial Court.

7. Considering the material as against the applicant, the application is rejected.

8. It is made clear, that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

**REVATI MOHITE DERE, J.**

**CERTIFICATE**

Certified to be true and correct copy of the original signed Order.

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