

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1047 OF 2015

Shalmon Ananda Waidande .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.Umesh R. Mankapure, Advocate, for the
Applicant

Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 02.09.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks his enlargement on bail in connection with
C.R.No.232 of 2014 registered with the
Vishrambaug Police Station, Sangli, for the
alleged offences punishable under Sections 201,
302 r/w.34 of the Indian Penal Code, 1870.

3. The complainant is one Subhash Vitthal Chikodikar. The complainant is the owner of the Hotel, where deceased-Akash was working as a waiter. The present applicant was also working in the same Hotel. According to the complainant, on 10.11.2014 Akash left the Hotel at about 2.00 p.m. and did not return thereafter. He has stated that on 11.11.2014 at 8.00 a.m. Akash's brothers by name Prathamesh & Hrishikesh came there, stating that Akash had not returned home. He has stated that at 9.00 a.m. the dead body of Akash was found near the Sangli Government Colony.

4. Learned counsel for the applicant states that except for recovery of koyta, there is no material to connect the applicant with the alleged offences. He submits that the accused No.2 has been enlarged on bail by the Sessions Court and seeks parity.

5. Learned APP opposed the bail application. She submits that there is no parity with the co-accused who has been enlarged on bail, inasmuch as, there was no recovery at the instance of accused No.2, who was enlarged on bail. She submitted that as far as the present applicant is concerned; (i) there is recovery of a blood stained koyta and blood stained clothes at his instance & (ii) there is evidence of last seen as against the applicant. She has submitted that the statement of Mahadeo Gadade shows that he has seen the deceased in the company of the present applicant and others at about 8.45 p.m.. She submits that the dead body was found on 11.11.2014 at 9.00 a.m..

6. Perused the papers. As far as bail sought on the ground of parity is concerned, there is no parity, with the co-accused who was enlarged on bail. There was no recovery at the

instance of accused No.2, who was granted bail. As far as the present applicant is concerned, there is evidence of last seen and recovery of blood stained clothes and weapon at his instance. Hence, it is not a fit case to enlarge the applicant on bail.

7. The Application is rejected.

8. It is made clear, that the observations are prima facie for the purpose of deciding the application and the learned Judge shall conduct the case on its own merits, uninfluenced by the observations made herein.

(REVATI MOHITE DERE, J.)