

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2034 OF 2015

Abhimanyu @ Aba Arjun Patil	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Niteen Pradhan, Sr. Adv. i/b. Ameeta Kuttikrishnan, Adv. for the applicant.

Mrs. G.P. Mulekar, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.

DATE : 15th December, 2015.

P.C. :

1. This is an application for bail filed by the aforesaid applicant who is facing trial in Sessions Court pending on the file of Sessions Judge, Kolhapur. The said case arises out of Crime No.45 of 2015 registered at Panhala Police Station, Kolhapur for the offences punishable under Sections 302, 304 and 120(b) of the IPC.

2. The case of the prosecution in brief is that, the applicant herein has committed murder of Nana Patil. The applicant was arrested in the said crime on 2nd June, 2015. The bail application filed by the applicant before Sessions Court has been rejected vide order dated 16th September, 2015, which necessitated the applicant to file bail application under Section 439 of the Cr.P.C.

3. Mr. Pradhan, the learned counsel for the applicant submits that there is no prima facie material to show the involvement of the applicant in the said crime. He has further submitted that the FIR shows that the initial suspicion was against Namdev Giri, who has been released under Section 169 of Cr.P.C. He has stated that the applicant was arrested only on suspicion. He has stated that there is absolutely no material on record to indicate that the applicant was in any manner involved in committing murder of Nana Patil. Hence the applicant be released on bail.

4. Mrs. Mulekar, the learned APP for the State submits that the statements of witnesses prima facie reveal that the applicant herein was an agent who had sold the property of the deceased and received the money from the purchasers. She has further stated that there is prima facie material on record to indicate that the applicant was seen removing the body from his car. She therefore claims that the material on record prima facie proves the involvement of the applicant in committing the said crime, which is of serious nature.

5. I have perused the records and considered the submissions advanced by the counsels for the respective parties. The records

prima facie reveal that Nana Patil had left the house on 2nd May, 2015 and had not returned home. Subsequently his body was found in nullah by the road proceeding towards village Bandivade to Karanjefen. The postmortem report indicates that the death of said Nana Patil was due to asphyxia due to strangulation. The medical evidence prima facie reveals that the death of Nana Patil was homicidal.

6. It is to be noted that the first informant had initially expressed his suspicion against one Namdev Giri who had some dispute with the deceased. However, the subsequent investigation indicates that the applicant was seen near the place of the incident while removing a body from a car. The material on record also prima facie reveals that the said car was owned by the applicant. The material on record also prima facie reveals that the applicant, as an agent, had sold the property of the deceased to several persons and had received money from the said purchasers. The circumstances, prima facie show the involvement of the applicant in the said crime.

7. The learned APP for the State has submitted that several crimes have been registered against the applicant. She has placed on

record the list of about 10 cases registered against him. The criminal antecedents of the applicant do not justify grant of bail.

8. Under these facts and circumstances, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)