

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**BAIL APPLICATION NO. 136 OF 2015**

|                          |     |            |
|--------------------------|-----|------------|
| Satish Sitaram Ghodake   | ... | Applicant  |
| Vs.                      |     |            |
| The State of Maharashtra | ... | Respondent |

Mr. Sudhir S. Hardikar, Advocate for the Applicant  
Mr. J.H. Ramugade, APP for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**  
DATE : **17<sup>th</sup> April , 2015**

**P.C.:**

This Application is moved for bail, as the applicant/accused is prosecuted for the offences punishable under sections 302, 201 of the Indian Penal Code in C.R. No. 225 of 2014 registered with Chakan Police Station, District Pune.

2. It is the case of the prosecution that on 7<sup>th</sup> May, 2014 in the afternoon a body of Vilas Mohan More was found. There was a head injury and also the injuries were seen on the wrist. It is the case of prosecution that applicant/accused is a maternal uncle of the deceased. They both used to drink together. On 6<sup>th</sup> May, 2014 at around 10 p.m. to 10.15 p.m. both of them were in drunken condition, which were seen by the witnesses and thereafter in the morning, the body of Vilas More was found. The applicant/accused was arrested on 6<sup>th</sup> June, 2014. Hence, this Bail Application.

3. The learned counsel for the applicant/accused has submitted that there is no evidence against the applicant/accused. The applicant/accused is innocent. There are statements of witnesses on the point of last seen together on 6<sup>th</sup> May, 2014 at around 10.30 p.m. and post-mortem was conducted from 8 p.m. to 9.30 p.m. on 7<sup>th</sup> May, 2014. As per the opinion of the doctor, the age of the injury is shown as 10 to 12 hours prior to the postmortem and therefore, the incident of assault must have taken place in the morning of 7<sup>th</sup> May, 2014. The learned counsel relied on the statement of the wife and son of applicant/accused where they have stated that the accused returned home on the night of 6<sup>th</sup> May, 2014. Considering this, the statement of the witnesses cannot make a good case against the applicant/accused. The learned counsel further submitted that there is a recovery panchnama of stone as a weapon used for assault at the instance of the applicant/accused. The said panchnama is recorded on 9<sup>th</sup> June, 2014. The blood stained clothes were found, however, there is no CA report to that effect. So also, the stone was found on the public place and that is nearly more than a month after the assault. Therefore, the learned counsel prays for bail.

4. Learned APP relies on the statement of other witnesses. He submitted that it is an offence of murder wherein the applicant/accused was seen together in a company of deceased late night on the earlier date

and they were in drunken condition and were fighting. There is evidence against the applicant/accused and he is not to be released on bail.

5. It is the case of circumstantial evidence. *Prima facie* there is a clear evidence on the point of last seen together and so also after going through the statement of the witnesses produced by the prosecution where some witnesses have stated that the applicant/accused and deceased were drunk and quarreling at around 10.30 p.m. to 11 p.m. on 6<sup>th</sup> May, 2014. In view of this, at this stage, I am not inclined to grant bail. Hence the Application for bail is rejected. However, liberty is granted to the applicant/accused to move fresh Bail Application after 9 months if at all the trial does not proceed.

**(MRS.MRIDULA BHATKAR, J.)**