

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 366 OF 2015

Rohit Kumar Patil

... Applicant

Vs.

The State of Maharashtra

... Respondent

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

Mr. Arfan Sait, APP for the respondent/State.

I.O. Mr. Mohd. Rafiq Hasan Shaikh, PSI, Tasgaon Police Station, Sangli present.

CORAM: **MRS.MRIDULA BHATKAR, J.**DATE : **JULY 28, 2015****P.C.:**

This is the second Bail Application. The first Bail Application No. 1253 of 2014 was disposed of as withdrawn on 30th October, 2014. The applicant/accused is facing charges under sections 302, 397, 201 r/w. 34 of the Indian Penal Code in C.R. No. 42 of 2014 registered with Tasgaon Police Station, Sangli.

2. It is the case of the prosecution that Mrs. Akatai Balu Kare gave FIR on 7th February, 2014 that on 26th January, 2014 her brother Ankush left home at 8 a.m. but he did not return back and, therefore she enquired about him. On 27th January, 2014 at night she was informed by the people in the village that his body was found in the well of one Dattatray Patil. There were anti-mortem injuries and ornaments on his person, i.e. 4 gold finger rings, gold chain, gold bracelet and one silver waist band

approximately valuing Rs.1,20,000/- were stolen. After registration of the offence, police commenced the investigation and they arrested applicant/accused and co-accused Krishna Hanumant Patil on 7th February, 2014. Hence this Bail Application.

3. The learned counsel for the applicant/accused has submitted that the case is based on circumstantial evidence. There is no sufficient evidence against the applicant/accused. He submitted that the case of prosecution stands only on the recovery panchnama which was drawn at the instance of applicant/accused. He submitted that besides this, no other evidence is available with the police against the applicant/accused. He submitted that by the order dated 30th October, 2014 the learned Judge of this Court has directed the Sessions Court to complete the trial within the stipulated period and liberty was granted to the applicant/accused to renew the prayer for bail. Under such circumstances, the learned counsel for the applicant prays for bail.

4. Learned APP opposed the Bail Application. He submitted that apart from recovery panchnama, there is medical evidence against the applicant/accused. Medical opinion given is that the injury is caused to deceased Ankush by iron rod and it was recovered at the instance of applicant/accused. He further relied on the statement of Dnyaneshwar Lala Kamble of last seen together. He further submitted that the order of

this Court dated 30th October, 2014 was not communicated to the Sessions Court and therefore, the learned Sessions Judge was not aware that the matter is time bound. However, as per roznama, the charge is going to be framed on 7th August, 2015.

5. Perused the FIR dated 7th February, 2014. Perused the postmortem notes and the papers of investigation which are produced before the Court. The postmortem report discloses that the applicant/accused died due to number of injuries. There is recovery panchnama against the applicant/accused. At his instance, iron pipe, gold ornaments and silver waist band of the deceased was recovered. Statement of Dnyaneshwar Lala Kamble discloses that he has seen deceased with the applicant/accused and co-accused Krishna Patil and deceased Ankush told him that he is going with the applicant/accused and co-accused on the motorcycle of applicant/accused. Thus, at this stage, there are two major circumstances against the applicant/accused. Considering this evidence, I am not inclined to grant bail. Hence, the Application for bail is rejected.

(MRS.MRIDULA BHATKAR, J.)