

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.647 OF 2015

Maruti Ramdas Datir ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.P.G. Sarda for the Applicant
Mr.D.P. Adsule, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 13, 2015**

P.C.:

1. The application is moved for bail under sections 302, 201 r/w section 34 of the Indian Penal Code. The incident of murder has taken place on 15.5.2014 so the case was registered at the instance of one Kanchan i.e., the wife of the deceased on 16.5.2014 in C.R. No.143 of 2014 at Narayangaon police station, Pune. It is the case of the prosecution that in the late evening of 15.5.2014, the deceased informed his wife that he was with the applicant/accused and he would return in 10 minutes. However, since he did not return for a long time so, she went and enquired with other persons and then informed the police station and gave a complaint about missing of her husband on the next day. Two days thereafter i.e., on 18.5.2014, when she was at her maiden home, she was informed that her husband is dead and noticed two fatal neck injuries

on his body. Thereafter, sections 302 and 201 were added in her missing complaint.

2. The learned Counsel for the applicant/accused has submitted that there is no evidence against the applicant/accused. Prima facie, the prosecution could not bring any evidence on the point of motive. There is no eye witness. It is only a case based on the circumstances which are very weak. C.A. Report is not made available to the applicant/accused. He, therefore, prayed that the applicant/accused be released on bail.

3. The learned Prosecutor has opposed the application. He relied on the postmortem notes and also on the statements of witnesses especially of Kanchan, one Sharad Baban Kurhad and Prashant Doke. He submitted that there is recovery of a blood stained axe and also blood stained clothes at the instance of the applicant/accused.

4. Perused the papers and the statements of the witnesses and the postmortem report and other documents. It appears from the postmortem report, the deceased died due to the cut injuries, incised wounds on his neck. There is a recovery of blood stained clothes and the blood stained axe at the instance of the applicant/accused. Moreover, in the statement of Kanchan, she has stated that when she had phoned her husband at around 10pm, he had informed her that he was in the company of the

applicant/accused Maruti and that he would return in 10 minutes. Though he was supposed to return in 10 minutes, he did not come home and then he was found missing. Thereafter, the body was found in the canal. There were cut injuries.

5. In view of this, prima facie, there is circumstantial evidence against the applicant/accused. Therefore, the bail application is rejected.

(MRS.MRIDULA BHATKAR, J.)