

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1314 OF 2015**

Santosh Hanmant Patole	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Dilip Bodake for the Applicant

Ms. S. S. Kaushik, A.P.P for the Respondent-State

Mr. U. S. Walke, API for Vaduj Police Station is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 4th SEPTEMBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 7 of 2015 registered with the Vaduj Police Station, Satara, for the alleged offences punishable under Sections 302, 201 of the Indian Penal Code, 1870.

3. The prosecution case rests on circumstantial evidence. The complainant is the daughter of the deceased Rukmini. It is alleged that the

incident took place on 15th January, 2015 when the complainant and her son had gone to their agricultural land. It is alleged that when she returned home, she saw the dead body of her mother lying on the ground and found that she had sustained several injuries on her person. Pursuant to the same, she lodged a complaint expressing suspicion over the present applicant. She has alleged that an incident had taken place prior to the incident and at that time, the applicant had threatened her mother Rukmini with dire consequences.

4. Learned Counsel for the applicant submitted that there is no direct evidence as against the applicant and that the FIR has been lodged only on suspicion as against the applicant. He submitted that there are essentially two statements as against the applicant, the statement of witness Bale Khan who states that the present applicant had taken an axe to him and got it sharpened; and the statement of Vishwanath Jagdale, who states that he had seen the present applicant at the relevant time, near the house of the deceased.

5. Learned A.P.P opposed the bail application. She submitted that

Vishwanath Jagdale has clearly stated in his statement that he had seen the deceased outside the house of the deceased and that he was carrying an axe in his hand. The said statement is corroborated by the statement of Sindhu, the wife of Vishwanath. She submitted that there is also an extra judicial confession made by the present applicant to Bapurao Kolge. According to Kolge, the applicant had disclosed to him that he had killed the deceased with an axe. Apart from the aforesaid, the learned A.P.P contended that there is recovery of blood stained axe and blood stained clothes at the instance of the applicant.

6. It may be noted, that the charge-sheet which was filed along with this application was an incomplete charge-sheet. The relevant recovery panchanama, an incriminating document, has not been annexed. There has been suppression of this material document and this is extremely unfortunate. But for the assistance of the learned A.P.P, who, on the instructions of the Investigating Officer, pointed out that the recovery panchanama had not been enclosed in the alleged relevant documents in the charge-sheet filed with the application, it would have been impossible for this Court to consider the said incriminating material, whilst deciding this

application. *Prima facie*, there is sufficient material as against the applicant to show his complicity in the form of statements of Vishwanath and Sindhu, who had seen the applicant leaving the house with an axe; extra-judicial confession made to Bapu Kolge and recovery of blood stained axe and clothes at the instance of the applicant. Accordingly, the application is rejected and is disposed of.

7. Considering that there has been suppression of material documents which would have a bearing in deciding the present application, the applicant shall pay cost of Rs. 2,000/-. The said cost to be paid to the High Court Legal Services Committee within three weeks from today.

8. List the matter on 25th September, 2015, for reporting compliance.

REVATI MOHITE DERE, J.