

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2137 OF 2016

Uttam S/o Gangadharrao Pawar .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Suhas B. Ghute, Advocate for the applicant

Mr. S.D. Ghayal, APP for the respondent-State

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CORAM : N.W. SAMBRE, J.

DATE : 23/06/2016

ORAL ORDER :

Heard.

2. The applicant is seeking regular bail in Crime no. 0372 of 2015 registered at Waluj MIDC Police Station, Dist. Aurangabad for the offence punishable under section 302 of the Indian Penal Code.

3. The prosecution story as against the applicant is, on the date of the incident i.e. on 2/9/2015, dead body of deceased – Khandu was noticed

by the complainant – Police Officer pursuant to the call received to that effect and during investigation, it was found that the applicant has murdered him. As such, the applicant came to be arrested on 4/9/2015.

4. While trying to make out a case for grant of bail, learned counsel for the applicant submits that the investigation in the matter is complete and chargesheet is filed and as such further detention of the applicant is not necessary in view of absence of any criminal antecedents.

5. Learned counsel for the applicant then would submit that the case is based on circumstantial evidence and the chain depicting the involvement of the applicant cannot be confirmed and would like to rely upon the evidence collected by the Investigating Officer during investigation.

6. Learned A.P.P. submits that though the investigation in the matter is complete, however, it

could be inferred from the entire investigation that there is a strong material available on record through circumstantial evidence to connect the present applicant to the crime in question.

7. With the assistance of learned A.P.P., I have perused the investigation papers and the chargesheet. It is required to be noted that it is claimed that in the incident in question, deceased Khandu has assaulted the present applicant by stick on his head and as such, the applicant has suffered injury because of the same.

8. There is statement of witness – Balu Jagannath Nilkanth, who speaks that on the very next day of the incident i.e. on 3/9/2015, the applicant was taken to a private hospital by the said witness and, thereafter, the applicant was given initial medical aid and was directed to the Government hospital. The applicant thereafter has taken treatment from the Governemnt hospital, as is

apparent from the injury certificate of the applicant.

9. Statement of Dr. Vishwasrao Salunke confirms the first aid administered to the applicant. Statement of other witness - Kailas Bhagwat, the land owner of the house, in which the applicant was residing with his sister, speaks of absence of applicant from his home on the day of the incident. His statement further speaks of the blood stained clothes noticed on the person of the applicant in the morning on 3/9/2015.

10. The cumulative effect of the investigation, as is carried out, *prima facie* depicts that the applicant is involved in the crime in question. In view thereof, no case for grant of bail is made out. Application as such fails and is rejected.

Sd/-
[N.W. SAMBRE]
JUDGE

arp/-