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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.61 OF 2016

Sameer Ashok Kolhe	 Applicant
V/s.	
The State of Maharashtra	 Respondent

WITH
CRIMINAL BAIL APPLICATION NO.729 OF 2016

Rahul Bhikaji Auti	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Vishal L. Kolekar I/by Avinash Kamkhedkar, for the Applicant in Application No.61 of 2016.

Mr. Harshad V. Nimbalkar, I/by Satyam H. Nimbalkar, for applicant in ApplicationNo.729 of 2016.

Mr. Arfan Sait, APP for the Respondent State in ApplicationNo.61 of 2016.

Mr. Y. M. Nakhwa, APP for the State in B.A. No.729 of 2016.

Mr. Arvind Hingole -PSI Narayangaon Police Station, District: Pune.

CORAM : A. M. BADAR, J.

DATE : 14th JUNE, 2016.

P.C. :

1. The applicants/accused in Crime No.83 of 2016, for the offence punishable under Sections 302, 364, 201 read with 34 of the Indian Penal Code, registered at Police Station, Narayangaon, District:

Pune, at the instance of Sakharam Laxman Karande -son of the deceased, are praying for releasing them on bail.

2. The applicant Rahul in Bail Application No.729 of 2016 is accused No.2; whereas applicant Sameer in Bail Application No.61 of 2016 is accused No.3. One Piraji Karande is the accused No.1.

3. Heard Shri. Nimbalkar, learned counsel appearing for the applicant Rahul and Shri. Kamkhedlar, learned counsel appearing for the applicant Sameer. According to learned counsel appearing for the applicants, in missing report it was stated that the deceased was wearing ash colour pant; whereas dead body was having black colour pant. It was further argued that medical evidence shows that the death was due to strangulation and though dead body was recovered on 13.06.2015, medical opinion is to the effect that the death occurred 4 to 8 days earlier. The learned counsel further argued that no motive is attributed to the present applicants and therefore considering the nature of evidence against them, they are entitled to bail.

4. The learned APP opposed the application by pointing out that there is enough evidence for the offence punishable under Section 302 of the Indian Penal Code. The D.N.A. report establishes that the dead body found on 13.6.2015 was that of Laxman Karande.

5. The perusal of chargesheet shows that Ankush Auti and

Baban Karande are the eye witnesses to the incident in question. Their statements show that at the instance of accused No.1 Piraji, deceased Laxman was brought by motorcycle by eye witness Ankush. That motorcycle was accosted by two persons in the field. Those two persons pressed neck of Laxman. These eye witnesses are naming present applicants to be those two persons, who assaulted Laxman. Their version shows that subsequently Piraji came on the spot by car and present applicants tied Laxman and put him inside the car. This is stated to have happened on 11.6.2015. Ultimately the dead body of Lamxan was found on 13.6.2015 and as argued by the learned APP, D.N.A. report establishes that the dead body was that of Laxman Karande. It is, thus clear that eye witness account shows the complicity of both applicants in the offence either of are punishable for life imprisonment. No case for bail is made out.

6. Both the applications are rejected.

[A. M. BADAR, J.]