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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.264 OF 2016

Netaji Shinde	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Rahul K. Dhaygude, for the Applicant.
Mrs. Veera Shinde, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 27th JUNE, 2016.

P.C. :

1. The applicant accused, in Crime No.81 of 2015, for offence punishable under Section 302 of the Indian Penal Code, registered with Dahiwadi Police Station, District: Satara, at the instance of Hanmant Ghanvat, is praying for releasing him on bail during pendency of trial.
2. Heard the learned counsel for applicant. He argued that this case is based on circumstantial evidence. Prima facie it is seen that many links in the chain of circumstances are missing and therefore, no prima facie case for offence punishable under Section 302 of the Indian Penal Code is made out. He further argued that there is incorrect recording of statements in this offence. He further argued that statement of Atul

Suryawanshi and Kisabai Suryawanshi, are not sufficient to hold that the deceased was lastly seen in the company of applicant. He argued that statement of Dr. Kare is of no assistance to infer complicity of the applicant.

3. The learned APP opposed the application. On 31.5.2015, F.I.R. came to be lodged by informant Hanmant Ghanvat the brother-in-law of deceased. He reported that on 31.5.2015, his sister in-law Phulabai had been to the hospital of Dr. Karne and did not returned back. The informant further reported that search of Phulabai was taken and at about 7.00 p.m. one Namdeo Shinde informed that the dead body of Phulbai is found in Ghandara Shivar in village Bidal.

4. The postmortem report shows that death of Phulabai is homicidal in nature. The statement of informant shows that Phulabai had been to hospital of Dr.Karne for medical treatment. Statement of Dr.Karne goes to show that Phulabai had been to his hospital for treatment and CCTV footage reflected her presence as well as presence of applicant accused Netaji Shinde. Statement of Dr.Karne further shows that there is difference of 12 hours in CCTV footage. This aspect will have to be explained in trial. Statement of Atul Suryawanshi and Kisabai Suryawanshi prima facie shows that deceased was in the company of present applicant/accused.

5. The confessional statement of applicant has resulted in recovery of ornaments of Phulabai as well as weapon of offence and clothes of present applicant. Though it is argued that recovery is from open space, this aspect of recovery will have to be considered at the time of trial. Prima facie there is sufficient material to connect the applicant to crime in question. The offence alleged is punishable either to death or or life imprisonment. The case for bail is not made out. Hence application is rejected.

[A. M. BADAR, J.]