

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.311 OF 2016

Aayappa Basavraj Pagad	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Satyavrat Joshi for the applicant.
Mrs. Veera Shinde, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 18th February, 2016.

P.C. :

This is an application for bail filed by the aforesaid applicant who has been arrested in C.R. No.276/2015 registered with Kothrud Police Station for offence under Section 364, 302, 201 r/w. Sec 34 of the Indian Penal Code.

2. The case of the prosecution is that the applicant along with the other co-accused, with common intention, committed murder of Dharmendra D. Sonawane. Pursuant to the FIR lodged by Prakash Dhanawe, PSI, Kothrud Police Station, the aforesaid crime was registered. The applicant was arrested on 3/6/2015. The other co-accused were also arrested in the said crime and upon completion of investigation chargesheet has been filed before Court of Sessions, Pune. The applicant herein had filed Bail Application before the Sessions Court, Pune which

came to be dismissed on 4/2/2016, hence the present application.

3. Mr. Joshi, learned counsel for the applicant submitted that apart from the extra judicial confession made by the other co-accused, Kunal and Amit there is no prima facie material to show the involvement of the applicant in commission of the said crime. He further submitted that the knife which is allegedly recovered at the instance of applicant was not stained with blood. He therefore claims that there is no material on record to link the applicant with the crime and hence he is entitled for bail.

4. Learned APP submitted that that the statements of Kunal and Amit, prima facie show the involvement of the applicant. She further submitted that the knife being weapon of offence was recovered at the instance of the applicant. She submitted that considering the nature and gravity of the offence, the applicant is not entitled for bail.

5. Perused the record and considered the submissions advanced by the learned counsel and the learned APP.

6. The record prima facie reveal that Dharmendra was found

missing from house since 26/4/2015. Some pieces of bones were found near a canal at Shelarwadi. DNA test was conducted. The DNA report prima facie indicates that the said bone pieces were of Dharmendra and that Dattatray Dagdu Sonawane and Mrs. Sulochana Dattatray Sonawane are biological parents of Dharmendra. The DNA report therefore prima facie establish identity of the deceased.

7. The material on record prima facie reveals that the applicant was arrested on 3/6/2015. He had made a statement dated 12/6/2015 pursuant to which weapon of offence was recovered. Statements of Kunal and Amit shows involvement of the applicant in the said crime. The material on record therefore prima facie shows involvement of the applicant in the said crime. Trial of the case is not commenced. Material witnesses Kunal and Amit are yet to be examined. In case the applicant is released on bail, possibility of the applicant interfering with those witnesses can not be ruled out.

8. In my considered view, the applicant is not entitled for bail at this stage. The application is therefore dismissed.

(ANUJA PRABHUDESSAI, J.)