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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.588 OF 2016.

Harshal Rajendra Kanpile	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Ms. Anita A. Agarwal, for the Applicant.
Mr. Arfan Sait, APP for the Respondent State.
Mr. M.B. Gurav-Talegaon Dabhade Police Station.

CORAM : A. M. BADAR, J.

DATE : 5th JULY, 2016.

P.C. :

1. The applicant/accused in Crime No.171 of 2014, for the offences punishable under Sections 302, 364, 363, 120(B), 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code, registered with Talegaon Dabhade Police Station, District, Pune, by this application is praying for releasing him on bail.
2. Heard the learned counsel for applicant/accused. She argued that applicant is brother-in-law of deceased Sachin. Being real brother of wife of the deceased, the applicant had no reason or motive to kill Sachin. The learned counsel further argued that conduct of informant/Narayan

Jambukar is unnatural. After lodging abduction report of his son Sachin (since deceased), the informant had not taken any efforts. The learned counsel further argued that no police officer is examined to prove the fact of disinclination of the police officers from Talagaon Dabhade police station, to register offence at the instance of informant Narayan Janmbukar after abduction of his son Sachin. The learned counsel further argued that no test identification parade is conducted. It is further argued that present applicant is Harshal and not Pappu Kanpile as disclosed in the F.I.R.

3. Perused the chargesheet. Statements of witnesses, so also the remand report dated 22.8.2014, make it clear that present applicant Harshal is also known by his nick name as "Pappu".

4. So far as motive is concerned, witnesses examined by police are consistently stating about discord in matrimonial life of Shweta the sister of present applicant Harshal @ Pappu and her husband (since deceased). Informant Narayan father of the deceased Sachin has reported to police on 26.5.2014 that in his presence, his son Sachin was abducted by present applicant alongwith co-accused Nilesh and other accused persons. The F.I.R. itself discloses that despite efforts of the informant, officers of Talegaon Dabhade police station did not record F.I.R. The statement of Hanumant Pasalkar shows that present applicant and

co-accused Nilesh came to police station at about 10.00 p.m. on 26.5.2014 itself and reported that Sachin is lying in their house in injured condition. The Statement of Hanumant Pasalkar further makes it clear that he and his colleagues then found Sachin Jambukar in injured condition in the house of present applicant and from there, police took him to hospital. Shweta Sachin Jambukar sister of present applicant has disclosed to police that the present applicant and co-accused were assaulting her husband Sachin and she found Sachin in unconscious condition in the bed room of her parental house. One more eye witness Dnyaneshwar Korpade has disclosed that present applicant and co-accused assaulted Sachin in their house.

5. From the F.I.R. it is seen that after his abduction Sachin was in the custody of the present applicant and co-accused. There are eye witnesses, disclosing what happened with Sachin while he was in custody of the present applicant and co-accused. Postmortem report shows as homicidal death of Sachin. The offence is punishable with death or life imprisonment. No case for bail is made out and therefore, the application is rejected.

[A. M. BADAR, J.]