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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.739 OF 2016

Sandip Kalyan Dwivedi	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Nitin B. Kamble, for the Applicant.
Mr. Deepak Thakarey, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 22nd JUNE, 2016.

P.C. :

1. Heard the learned counsel for the applicant and learned APP.
2. By drawing my attention to the F.I.R. as well as statement of witnesses and the missing report. He argued that initial motive of the alleged offence is stated to be illicit relations of the deceased with the wife of the applicant, but subsequently the motive is changed. Subsequently prosecution has alleged that murder was committed because there was demand of hand loan taken the father of the applicant/accused.
2. The learned counsel further argued that evidence of prosecution is contradictory and date of offence is shown to be different. He further argued that nothing is recovered from the applicant and he has

no any criminal antecedents.

3. As against this the learned APP argued that offence is serious and there are witnesses corroborating testimony of the eye witness. Perused the chargesheet. On 29.10.2015 missing report was lodged by Pramod Dwiwedi reporting that his brother Sunil Dwivedi went missing on 29.10.2015.

4. The chargesheet shows that on 10.11.2015, dead body of person was found in the well located at Borhadewasti. The dead body was identified to be of Sunil Dwivedi. The F.I.R. came to be lodged on 11.11.2015 by Shivaji Bhujbal. Statement of Jaywant @ Yogesh Borhade shows that applicant accused Sandip, deceased Sunil Dwivedi and this witness had consumed liquor in open space in Sector 11. During the course of that booze session, present applicant had assaulted Sunil Dwivedi by means of knife and thereafter he threw the dead body of Sunil in the nearby well. This witness Jaywnt @ Yogesh reported that out of fear, he went Kolhapur and did not report the matter to the police.

5. Statement of another witness namely Maruti Durge shows that the applicant Sandip had been to his liquor shop to take liquor. This material corroborates the statement of Mahesh Borhade. There are some discrepancies in respect of date of incident, but those will have to be resolved in trial by recording evidence. Prima facie it is seen that eye

witness has attributed role to present applicant in the offence punishable under Section 302 of IPC. As such no case for bail is made out and therefore, order.

Order

Application is rejected.

[A. M. BADAR, J.]