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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.881 OF 2016

Junmoon Dhanraj Shankar @ Gautam	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

Ms.Nagma Tandon for the applicant.

Ms.R.M. Gadhvi, APP for respondent-State.

Mr.V.B. Golde, PI (Paud Police Station, Pune).

CORAM : A.M.BADAR, J.

DATED : 8TH AUGUST, 2016

P.C. :-

1. The applicant / accused in Crime No.35/2015 for the offences punishable under section 302, 397 read with 34 of the Indian Penal Code registered with Paud Police Station, District Pune by this application is praying for releasing him on bail.

2. Heard the learned counsel for the applicant / accused. She argued that letter for conducting identification parade was issued by the Police Inspector at record page 131

shows that the identification parade was to be conducted on 5th April, 2015. She argued that identification parade of jewellery was conducted belatedly. The learned counsel further argues that name of the present applicant is not reflected in the F.I.R. The informant is the first person who visited the spot.

3. The learned APP opposed the application and contended that the letter at page 137 on record shows that the test identification parade for identification of jewellery was convened on 5th March, 2015 and accordingly, the memorandum thereof is placed on record. The learned APP submitted that the present applicant was seen on the spot soon after the incident as revealed from statements of witnesses. The learned APP further submitted that pursuant to the confessional statement of the present applicant, 6 gold rings of deceased came to be seized and in the identification parade, the witnesses have identified those gold ornaments to be that of the deceased.

4. Perused the charge-sheet. On 5th February, 2014 Bhausahab Maruti Bhilare died homicidal death as would

reveal from the charge-sheet containing the report of post mortem examination. The F.I.R. came to be lodged by his son Yogesh Bhilare. The F.I.R. lodged by Yogesh Bhausaheb Bhilare reveals that he was informed about missing of Bhausaheb Maruti Bhilare by Deepak Gaikwad telephonically. According to the prosecution case, Bhausaheb Maruti Bhilare had been to Ambadara Hillock for grazing cattle. There the present applicant along with co-accused had committed murder of Bhausaheb Maruti Bhilare for looting gold ornaments worn by him. The dead body of Bhausaheb Maruti Bhilare was found hid under the heap of the hay at the Hillock by his relatives including the informant Yogesh Bhausaheb Bhilare.

5. Statement of Deepak Gaikwad goes to show that at about the time of incident, he found the present applicant as well as co-accused hurriedly leaving the spot of the incident. Statement of Ranjit Tanti shows that he has seen co-accused Parmeshwar in a frightened condition at about the time of incident. Statements of witnesses goes to show that deceased Bhausaheb Maruti Bhilare was engaging the present applicant and co-accused for cutting grass on the hillocks.

6. During the course of investigation, on the basis of confessional statement of the present applicant, 6 gold rings came to be recovered from the hotel of his friend Mahesh Gilani. Six gold rings recovered at the instance of the present applicant came to be identified by the informant and widow as that of the deceased.

7. Post event conduct of the present applicant, his presence on the scene of incident and recovery of the looted ornaments of day to day use of the deceased at the instance of the present applicant and identification of those ornaments by the kith and kin of the deceased prima facie shows the involvement of the present applicant in the offences punishable under sections 302 and 397 of the Indian Penal Code. No case for bail is made out. The application is rejected.

(A.M.BADAR, J.)