

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

CRI. BAIL APPLICATION NO. 1060 OF 2016

Suresh Soma Mote

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Mr. Satyavrat Joshi, Advocate for the Applicant.

Mrs. Veera Shinde, A.P.P. for the Respondent – State.

CORAM : A. M. BADAR, J.

DATE : 13th JULY, 2016

P.C. :

1 The applicant/accused in Crime No. 325 of 2015 for the offences punishable under sections 302, 201 and 193 of the Indian Penal Code, registered with Shirur Police Station, Dist. Pune, by this application is praying for releasing him on bail.

2 Heard the learned counsel appearing for the Applicant/accused. He argued that only circumstance against the present applicant appearing from the chargesheet is discovery of hotel and seizure of two axes. This circumstance, in submission of the learned counsel for the applicant, does not warrant pre-trial detention of the present applicant.

3 I have also heard the learned APP for the State. She argued that there is sufficient evidence to connect the applicant to offence punishable under section 302 of the Indian Penal Code and as such no case for bail is made out.

4 Perused the chargesheet. Initially on 21st September, 2015, co-accused - Abhimannu Mote had lodged a report to the police, stating that prior to the incident of 21.09.2015, Nathu Soma Mote, Ashish Nathu Mote and others had committed murder of his father-Suresh Soma Mote by means of assault by an axe and setting him ablaze. During investigation of that crime no. I-310 of 2015, the Investigating Officer came to the conclusion that in fact -Suresh Soma Mote is alive and in order to take revenge of his relatives, who were on hostile terms with him, he committed murder of one-Anandrao Wagh and set his dead body ablaze in order to implicate his relatives in the crime in question. Therefore, Assistant Police Inspector – Uttam Dyanu Bhajnowale lodged FIR on 4.10.2015 against the present applicant - Suresh Soma Mote. As such Crime No.325 of 2015 came to be registered against the present applicant.

5 The present applicant and his brother Nathu Soma Mote appears to be in inimical terms because of the ancestral agricultural field. On 16.09.2015 there were some quarrel between them in marriage of one Atul Dange at Ramling.

Perusal of the chargesheet shows that in order to falsely implicate Nathu Soma Mote and other relatives of Nathu, the present applicant committed murder of Anant Laxman Wagh on 20.09.2015 and set the dead body ablaze in his own house in order to make a show of his own murder.

6 During the investigation statements of Asha Bhagwan Bangar and Bhagwan Bangar came to be recorded. Their statements show that the present applicant-Suresh Soma Mote was in company of the deceased Anant Laxman Wagh. Statement of one Mahesh Bhor, Manager of Ashoka Beer Bar Permit Room, shows that the present applicant and Anantrao Wagh had been to that permit room where Anantrao consumed liquor on 20.9.2015. Dead body of Anantrao Wagh appears to be found at the residential house of the present applicant. Chargesheet further shows that on 01.10.2015 present applicant called his wife-Gangubai Suresh Mote and thereafter, returned to his village Savindane. Statements of Abhimannu, Mira and Gangubai, who are children and wife of the present applicant disclosed extra judicial confessions made by the present applicant. Bill of Ashoka Beer Bar and Permit Room also came to be seized from the house of present applicant.

7 Material collected during investigation, prima facie, shows that the deceased-Anandrao Wagh was in company of the present applicant on 20.09.2015 and

thereafter his dead body was found at the house of the applicant in burned condition.

8 Considering the material collected during investigation, prima facie, complicity of the applicant in the offence punishable under section 302 is made out and as such no case for bail is made out.

9 In the result, bail application is rejected.

(A. M. BADAR, J.)

.....