

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
**CRIMINAL BAIL APPLICATION NO. 1279 OF 2016**

|                                  |            |
|----------------------------------|------------|
| Vijay @ Sanjay Maruti Bandal ... | Applicant  |
| Vs.                              |            |
| The State of Maharashtra ...     | Respondent |

Mr.Satyavrat Joshi,Advocate for the applicant.

Mr. Prashant Jadhav, APP, for the State.

**CORAM: SMT.SADHANA S.JADHAV,J.**  
**DATE : 3rd October, 2016.**

**P.C.**

1. Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 9.9.2015 in Crime No.178 of 2015 registered at Rajgad Police Station, Dist. Pune. initially for the offence punishable under Section 366 of the Indian Penal Code. However, after completion of investigation, the applicant is also charge-sheeted for the offences punishable under Sections 202 and 201 of the IPC.

2. It is the case of the prosecution that one Sangita Mahadeo Mohite was missing from 12.7.2015. The missing report was filed on 13.7.2015. On 8.9.2015, the complainant Shankar Mohite, who happens to be the brother-in-law of Sangita Mohite, lodged a report that he was fully aware that Sangita had illicit relations with the present applicant and that he

was harassing her on that count. Pursuant to the said statement, the police had contacted the present applicant and he had admitted the offence. Hence, he was arrested on 9.9.2015. It appears from the papers of investigation that the skeletal remains of a woman were discovered at the instance of the present applicant near a riverbed. The skeletal remains were sent for forensic report. The medical officer conducting the forensic examination had arrived at a conclusion that it was a case of homicidal death. The papers of investigation would reveal that on 12.7.2015, the present applicant had made an extra judicial confession before his cousin stating therein that he was annoyed with Sangita on the ground that she had accompanied the co-accused one Sagar Bodare and had refused to accompany him. That he had solicited sexual favours from her and she had refused to oblige him. Hence, he had caused her homicidal death and also caused disappearance.

3. The learned counsel for the applicant submits that on plain observation of the skeletal remains, it would not have been possible for any doctor to arrive at a conclusion that the victim had died a homicidal death. It is then submitted that the discovery of the skeletal remains was made on riverbed and it is common knowledge that the villagers would flock to the

said place day in and day out and that nobody had seen the same. According to the learned counsel for the applicant, an extra-judicial confession cannot be relied upon and, therefore, the learned counsel submits that the applicant deserves to be enlarged on bail. It is also submitted that the co-accused Mr. Bodare is enlarged on bail.

4. The learned APP submits that the dead body was not abandoned in the open, but was concealed in the bushes. That there was no water in the water bed. That the bones were scattered all over. There were remains of green bangles and other clothes. The mobile charger was also found. 25 pieces of bones were found. In fact, the skeletal remains were found in Gat No.83 of Vithal and the said land was not being cultivated at the relevant time. The learned APP also submits that the report of Regional Forensic Science Laboratory is received and the skeletal remains have been verified by conducting a DNA test. The blood samples of the parents of Sangita were collected and the results are as follows :-

“Gulab is concluded to be a biological father of the deceased Sangita as the pieces of bones of Sangita Mohite. Blood sample was also compared with the blood sample of the daughter of the deceased and the findings are pieces of bones of Sangita 0 is

concluded to be a biological mother of Rupali Mahadev Mohite. Hence, there is no doubt that the skeletal remains were of Sangita Mohite.”

5. The papers of investigation clearly indicate that the skeletal remains of Sangita Mohite were discovered at the instance of the present applicant. This incriminating material would be sufficient to hold that the applicant had knowledge about the place of the skeletal remains of Sangita and hence according to the papers of investigation, the homicidal death of Sangita was within the special knowledge of the applicant. Hence, it would not be a case for grant of bail.

6. The observations are prima facie in nature and shall not be considered at the time of trial.

The application stands rejected.

**(SMT.SADHANA S.JADHAV, J.)**