

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

CRIMINAL BAIL APPLICATION NO.1566 OF 2015

Ajay Dattatray gole	..Applicant
V/s.	
The State of Maharashtra	.. Respondent

Mr.S.V. Kotwal I/by Mr.Avinash Kamkhedker for Applicant.
Mr.D.P.Adasule, APP for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.,

DATE : 11th MARCH, 2016.

P.C.

1. Heard learned counsel for the applicant and learned APP for the Respondent-State.

2. By this application, the applicant seeks his enlargement on bail in connection with CR No.77 of 2015 registered with the Paud Police Station, Pune, for the alleged offences punishable under Sections 302 and 201 read with section 34 of the Indian Penal Code.

3. On 14th April 2015 at about 4.35 p.m., PSI Hemant Bhangale and API Gaikwad who were on duty at Paud Police

Station, received information from police constable Rakshe, that the Police Patil of Pirangut village had called and disclosed to him, that a decomposed body of a lady in a nude condition, was lying in Survey No.245 of Pirangut village. On receiving the said information, PSI Bhangale along with his staff reached the spot and saw the decomposed body of a lady, aged about 20 to 22 years. They also found a big stone at the spot having blood stains, a pair of sandal, scarf, kurta and salwar having blood stains. Pursuant thereto, the police lodged a complaint/FIR, as against unknown persons for murdering an unknown lady and for destroying evidence.

4. Learned counsel for the applicant submitted that the prosecution had arrested the applicant only on suspicious and that there was no material to connect the applicant with the alleged offence. He submitted that there is no motive which has come on record as against the applicant. According to the learned counsel although, there is recovery of knife and clothes, at the instance of the applicant, the same was not used in the commission of the offence. He submitted that the same

is evident from the postmortem report, inasmuch as, a big stone was thrown on the deceased's face, resulting in the fracture of the skull and disfigurement of the face. According to him, therefore, recovery of the knife, at the instance of the applicant, is inconsequential. Learned counsel for the applicant states that there are several loopholes in the recovery panchanama and that the recovery of clothes cannot be said to be a recovery under section 27 of the Evidence Act. He submitted that although there are certain statements, which show that the applicant knew the deceased, that by itself, is not sufficient to show the applicant's complicity.

5. The learned APP opposed the bail application. He submitted that apart from recovery of knife, at the instance of the applicant, blood stained clothes of the applicant have also been recovered. Learned APP further relied on certain statements to show that the applicant and the deceased were in a relationship. He submitted that the applicant had shown the spot of the incident. Learned counsel for the applicant contended that the dead body was found on 14th May 2015,

and hence mere showing of the spot, after the applicant's arrest on 21st April 2015, is inconsequential. The Learned APP also relied on the statement of one of the witnesses, from whom the knife were purchased by the applicant and the other co-accused.

6. Perused the papers of investigation. A young girl aged 20 to 22 years was murdered and a big stone was thrown on her face to conceal her identity. The body was found almost, after 4 to 5 days, after the incident, in a decomposed state. As far as injury caused by knife is concerned, the body was badly decomposed, hence in column 17, no such external injury was visible. The knife recovered was a blood stained knife and the CA report is awaited. There are statements of witnesses which show; that the applicant and the deceased were known to each other; that they had met the deceased and the applicant together; and that there were physical relations between the two. Blood stained clothes of the applicant have been seized, however the CA report is awaited. Considering the aforesaid, it is not a fit case to enlarge the applicant on bail.

Hence, the application stands rejected. Considering the age of the applicant, the trial is expedited. The learned trial judge to decide the case as expeditiously as preferably within one year from the date of receipt of this order. Registry to communicate the said order to the learned Sessions Judge, Pune who is seized with the case.

(REVATI MOHITE DERE, J.,)