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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1609 OF 2015

Pravin Janardhan Mhatre	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

Mr.Nitin Sejpal for the applicant.

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

CORAM : A.M.BADAR, J.

DATED : 13TH JUNE, 2016

P.C. :-

1. The applicant / accused in Crime No.I-13/2014 for the offences punishable under sections 302 and 201 of the Indian Penal Code registered with the Mora Sagari Police Station, District Raigad by this application is praying for releasing him on bail.

2. Heard learned counsel for the applicant. By placing reliance on the judgment of this Court in the case of ¹**Irfan Shamimulla Shaikh V/s. State of Maharashtra**, he relied that the mere fact that dead body was allegedly recovered at

¹ 2010 ALL MR (CRI) 1798

the instance of the applicant, cannot be a ground of curtailing his liberty. The learned counsel further argued that during inquiry of the accidental death case on 27th September, 2014 his statement was recorded wherein he has stated that he has purchased the cell-phone from Jiten Koli and, therefore, it cannot be said that the applicant was found in possession of cell-phone of deceased Varsha.

3. As against this, the learned APP pointed out that statement of Jiten Koli goes to show that he had never sold cell-phone to the applicant and that there is sufficient evidence of a serious offence against the applicant.

4. Perused the charge-sheet. According to the prosecution case, the applicant had taken hand-loan from deceased Varsha and as deceased Varsha was demanding back that amount and particularly amount of Rs.10,000/-, the applicant had murdered her and thereafter put her dead body in cement water tank in order to conceal the evidence of commission of offence.

5. It is seen that on 24th April, 2014 Varshan Padte

(since deceased) had left her house and did not return back. Her mother Subhangi lodged missing report. During inquiry, it was transpired that the applicant had committed murder of Varsha and, therefore, the F.I.R. came to be lodged by P.S.I.

6. Evidence against the applicant is comprising of recovery of cell-phone of deceased Varsha from him. Statement of Jiten Koli goes to show that he had never sold that cell-phone to the applicant. Thus, cell-phone is recovered from the applicant which is identified to be belonging to deceased Varsha. During the course of investigation, the prosecution has recorded memorandum statement of the applicant while he was in police custody. That memorandum statement has ultimately resulted in the recovery of fully decomposed rather skeltonised dead body. Perusal of the memorandum statement goes to show that it was recorded in presence of two panchas and recovered allegedly from cement tank besides the "Dharmshala". Skeleton was recovered and the clothes on the dead body came to be identified by the relatives of the deceased.

7. Considering the nature of crime, its seriousness

and prima facie identification of the clothes of the deceased by her relatives, this is not a fit case to grant bail. The ruling so cited has no application to the case in hand. The application is rejected.

8. Observations so made are prima facie observations and the trial Court should not get itself influenced by these observations.

(A.M.BADAR, J.)