

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE SIDE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 1882 OF 2016

Ganesh Haribhau Bhavakar

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. S. V. Kotwal i/b Mr. Ashish S. Sawant Advocate for Applicant.  
Mr. Prashant Jadhav APP for the State.

**CORAM : SMT. SADHANA S. JADHAV, J.**  
**DATED : OCTOBER 14, 2016.**

**PC :**

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein was arrested on 14/09/2015 in crime no. 203 of 2015 registered at Paud Police Station. Investigation is completed and charge-sheet is filed against the applicant and others for offence punishable under sections 302, 201 r/w 34 of the Indian Penal Code. Case is committed to the court of Sessions and is registered as Sessions Case No. 44 of 2016.

2) It is the case of the prosecution that on 13/09/2016, Dilip Shejal who was working as Police Constable posted at Paud Police Station lodged a report that he had received an information that an abandoned dead body of a

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male was found near the compound wall of Tata Company. On the basis of the said information, which was received from the Police Patil of village Valane, police had reached to the spot. They had found the abandoned dead body. There were injuries on the dead body and therefore, it was apparent that the said person had died a homicidal death.

3) On 14/09/2015, first informant had disclosed that on 14/09/2015 at about 4.00 a.m., Sadashiv Dhanawade resident of Katraj, Pune had been to Paud Police Station and had identified the dead body to be that of his son Deepak. On 14/09/2015, the statement of Sadashiv Dhanawade was recorded. He disclosed to the police that on 12/09/2015, his son Deepak had demanded Rs. 3,80,000/- from his for his business purpose. Sadashiv Dhanawade had given him Rs. 3,50,000/-. There was further demand of Rs. 20,000/-. Father had told his son Deepak to take the amount from his friend Jeevan Ukale. He learnt that Deepak had borrowed Rs. 18,000/-. At that time, Deepak was driving motor cycle of his friend. At about 2.30 p.m., in the afternoon, Deepak had informed his father that his friend Ganesh Bhavkar (Present applicant) had called him on his cellphone and has invited him and therefore, he is going to meet his friend Ganesh Bhavkar. Thereafter, Deepak could not be

contacted as he was out of reach.

4) On the basis of secret information and on the basis of the statements of several witnesses, applicant and Sandeep Gaikwad were arrested. Father had learnt about the same.

5) In the course of investigation, investigating agency has recorded the statement of witness Vikas Sawant who has categorically stated that on 12/09/2015, he had seen Deepak Dhanawade in the company of the present applicant. On 14/09/2015, his friend had informed him that Deepak had died a homicidal death. Investigating agency has also recorded the statements of several witnesses who had seen applicant in the company of the deceased. On 18/09/2015, statement of one Dnyaneshwar Shinde was also recorded and he had disclosed to the police that on 12/09/2015, present applicant had been to Ajay Wines. He was also shown the photograph of the deceased and he had identified the said person as the one who was accompanying present applicant on 12/09/2015.

6) The evidence in the present case is that of last seen together. The deceased was in the company of the applicant. Applicant happens to be the resident of Valane Sonarwadi, Taluka: Mulshi. The dead body was also found

within the close proximity of the place of residence of the applicant, moreover, the deceased had lastly informed his father that he is going to meet present applicant, coupled with the fact that the applicant was seen in the company of the deceased, no case for bail is made out. There is incriminating material against the applicant. There is ocular evidence as far as the evidence of last seen together is concerned.

7) Hence, application stands rejected.

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