

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

915 CRIMINAL APPLICATION NO. 1686 OF 2017

ANKUSH S/O. SHRIRAM KHANPATTE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. A.G. Godhamgaonkar h/f. Mr. P.P.
Komple
APP for Respondent/State : Mr. S.W Munde
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CORAM : T.V. NALAWADE, J.
DATED : April 18, 2017.

ORDER :

1. The application is filed for bail. Both the sides are heard. Papers of investigation were made available to this Court for perusal. A statement was made that this is the first application filed for bail in this Court by the applicant.

2. The crime was registered on the basis of report given by Police Officer after finding of the dead body on 17.12.2016 in the vicinity of village Chivali, Tahsil Mukhed, District Nanded. The present applicant is son, aged about 19 years, of the deceased Shriram. Darubai is the second wife of deceased Shriram. There was dispute between the present applicant and Shriram as Shriram has disposed of virtually all the property of the family when the present applicant was asking him for partition and for giving his separate share.

3. The present applicant had started staying with Darubai in Chivali about 15 days prior to the incident as he had dispute with father. Shriram used to visit this village as Darubai was living in village Chivali and Shriram was living in village Narsi, Tahsil Naigaon. Allegation is made that on 10.12.2016 Shriram had come to Chavali and he had left Chavali for going to Mukhed. He had left at about 10.00 a.m. When Shriram was returning, on the way, the applicant intercepted the auto in which Shriram was travelling and then Shriram was picked up by the present applicant on his motorcycle and they started on his motorcycle. The rickshaw driver and the persons, who were traveling in the Ape rickshaw have given statements that on that day, after 6.30 p.m. the present applicant had collected Shriram from their Ape rickshaw. After that nobody has seen Shriram alive.

4. The dead body of Shriram was found in the field situated at some distance from the road and it was in decomposed condition. After the incident, Darubai identified the dead body. The present applicant then came to be arrested. During interrogation, he gave statement under section 27 of the Evidence Act that at his instance, one dragger (Khanjir) was recovered. When applicant was arrested, on his clothes blood

stains were noticed. The learned counsel for the applicant submitted that it is not possible that he was wearing the same cloths from 10th to 17th December 2016. When the blood stains were found on his clothes and it can be said that again on the day of arrest after washing the clothes he was wearing the same clothes. These circumstances cannot be considered at this stage in favour of the applicant. Thus, there is evidence of last seen against the present applicant. There is evidence on motive and there is evidence of recovery of clothes having blood stains at the instance of the present applicant. This material is more than sufficient to make out the offence punishable under section 302 of I.P.C. So many injuries were inflicted. Some injuries were caused by wooden log and last injury was caused by dragger and this injury has cut the internal organs. The death took place due to injury caused by dragger. In view of these circumstances and as there is possibility of tampering with the prosecution witnesses, this Court holds that it is not a fit case to grant the relief. In the result, the application stands rejected. The Trial Court is expected to dispose of the case within six month from the date of receipt of this order.

[T.V. NALAWADE, J.]

ssc/