

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

CRIMINAL BAIL APPLICATION NO.1174 OF 2017

Dinesh Nandu Angre

... Applicant

vs.

The State of Maharashtra

... Respondent

.....

Mr. Debajyoti Talukdar for the Applicant.

Mr. S. R. Agarkar, APP for the State.

CORAM : T. V. NALAWADE, J.

DATE : 10.08.2017.

P.C.:

1. The Applicant is filed for bail in C.R. No. 289 of 2015 registered in Dattawadi Police Station, Pune for the offences punishable under Section 364, 302 read with Section 34 of the Indian Penal Code. Both the sides are heard.

2. The papers of investigation show that deceased Bipin Sarangi aged about 23 years was a married man and he was son of first informant Smt. Renuka. In the past the family of Renuka was leaving in Janta Vasahat and their deceased had become acquainted with Akash Badade, Gautam Kate, Akash Shelar and others. They used to visit the residential place of deceased when the deceased shifted to Lohiyanagar where he was leaving till his death.

3. On 20th October 2015 at about 5.00 pm Akash visited the house of Renuka with aforesaid friends and also with one more friend whose name was not known to Renuka. Akash Badade had become angry as the deceased had not returned his scooter. Deceased was not at home and Akash left home of Renuka by giving him threat that he would kidnap Bipin and would finish him if his scooter was not returned.

4. Bipin left home at 21st October 2015 at about 10 am by saying that he was going to Akash Badade. She learnt that on that day

in the evening 3 to 4 boys had visited her house from Lohiyanagar and they were searching for Bipin and they were given threat to finish him. Bipin did not return to home on 21st October 2015. On 22nd October 2015 also Bipin did not return to home and then Renuka went to her brother Babu Shiriram. Babu informed that he had seen Bipin in the company of Akash Badade, Gautam Kate and Akash Shelar and other friends of Akash. Even after that Bipin was not traced. Renuka then gave a missing report on 24th October 2015 and in that she took the names of aforesaid persons who include unknown friend of Akash. Initially, crime was registered for offence under Section 364 read with 34 of IPC.

5. As the names of the persons involved in the incident were informed by Renuka, some other persons were arrested. Akash Badade was arrested on 24th October 2015 he gave statement to police that he was ready to show the dead body of Bipin. The weapons used were also recovered. On 25th October 2015 the Panchanama of the spot where the assault was made was prepared. During the investigation some persons came forward and gave statement that on the day when Bipin was finished Akash Badade and Gautam Badade had met them and they had given Extra Judicial Confession. Statement of such persons like Ramesh Pathak are there. There is also statement of eye witness Navnath showing that he had seen present applicant in the company of Akash Badade when they were assaulting the deceased. The statement of one lady Sitabai also showing active part played by the Applicant in the incident. The learned counsel for the Applicant submitted that the statements were recorded late, after about three weeks and so during trial not much reliance can be placed on the evidence of these witnesses. This submission cannot be considered at this stage.

6. There is material like statement of witnesses like Babu who had seen the present applicant in the company of Akash Badade and

deceased on 21st October 2015 and he had immediately informed about this incident to Renuka. On that basis missing report was given on 24th October 2015, before tracing the dead body and police statement of Babu was recorded on 26th October 2015.

7. The PM report of the dead body shows that if each individual injury is counted, more than 31 injuries were found on the dead body. There was injury to head. Though at present a specific opinion on the PM report cannot be seen regarding cause of death, it can be said that the Medical Officer wanted to mention that death took place due to injuries found on the dead body. As the circumstantial evidence is there and also some direct evidence is there, at this stage it cannot be said that the direct evidence cannot be believed. In view of these circumstances, this Court holds that bail cannot be granted. There is possibility of tampering with the prosecution witnesses. In the result application stands rejected.

(T. V. NALAWADE, J.)