

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 642 OF 2017**

Suresh Sahadu Padwal	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. A. U. Nikam I/b Mr. Aashish Satpute for the Applicant

Mr. Y. M. Nakhwa, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 11th JULY, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 118 of 2016 registered with the Khed Police Station, Pune, for the alleged offences punishable under Sections 302, 120-B of the Indian Penal Code.
3. Learned Counsel for the applicant submits that the prosecution case rests entirely on circumstantial evidence. He submits that the

statement of Bajabai Padwal shows that her statement was recorded after almost two months of the incident. He further submits that Bajabai's son and daughter-in-law's statements were recorded on 20th May, 2016, however, it is difficult to believe, that Bajabai had not disclosed to them, that she had seen the applicant in the company of the deceased. He submits that although there is recovery of blood-stained clothes at the instance of the applicant, the Chemical Analyser's report is not yet received.

4. Learned A.P.P opposed the application.

5. Perused the papers. The incident has taken place on 19th May, 2016. On the said date, at about 7:00 p.m., deceased-Digambar left his house. On 20th May, 2016, Digambar's dead body was seen in the complainant's field. Accordingly, a complaint was lodged as against unknown persons. The applicant is stated to be the cousin brother of the wife of the deceased. The prosecution case rests entirely on circumstantial evidence. The evidence of Bajabai shows that she had seen her son-in-law, deceased-Digambar in the company of the applicant and one Ravi Jadhav on 19th May, 2016 at about 8:30 p.m. to 9:00 p.m. The statement of the

deceased's daughter-Apoorva also shows that at about 6:00 p.m. to 6:30 p.m., her father Digambar received a call from the applicant and that her father disclosed to her that he was going to meet the applicant.

6. No doubt, the statement of Bajabai was recorded after two months, however, the evidentiary value of the said statement would be decided by the trial Court. It also appears from Bajabai's statement that the relations were strained, between her and the deceased Digambar, as Digambar had run away with her daughter-in-law-Radha. Apart from the evidence of last seen, there is recovery of blood-stained clothes at the instance of the applicant. There also appears to be evidence of CDR records, which shows that 4 to 5 calls were made by the applicant to the deceased on 19th May, 2016 between 6:00 p.m. and 8:30 p.m.

7. Considering the *prima facie* material on record, this is not a fit case to enlarge the applicant on bail. Accordingly, the application stands rejected.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.