

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

CRIMINAL BAIL APPLICATION NO. 782 OF 2017

Sagar Shankar Sorkhade. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Neelesh V. Kalantri, advocate for Applicant.

Mr. V.V. Gangurde, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : APRIL 17, 2017**

P.C.:

1 Heard the learned Counsel for the applicant and learned APP for State. Perused papers of investigation.

2 On 14/2/2017 the application seeking enlargement on bail was argued at length. Only when the Court was not inclined to grant bail, the learned Counsel for the applicant has sought liberty to withdraw the application and the liberty was granted. The learned Counsel for

the applicant had submitted that he would not like to invite the observations. Hence, the application was dismissed as withdrawn.

3 This is a subsequent bail application. The learned Counsel for the applicant has vehemently submitted that this is a case of circumstantial evidence. There is no direct nexus between the applicant and the offence which is allegedly committed by the applicant and he prays that the applicant be enlarged on bail.

4 Needless to say that there is no change in circumstances to consider the application on merits. However, it will be necessary to consider the submission advanced by the learned Counsel for the applicant.

5 The learned Counsel for the applicant submits that the applicant herein happens to be a distant relative of the deceased and he had no reason to cause homicidal death. According to the learned Counsel

for the applicant, in the year 2012 the applicant had registered FIR against the deceased Sagar Bhoir, which was registered as Crime No. 139 of 2012 and the deceased was prosecuted for the offence punishable under section 324, 341, 427 read with 34 of the Indian Penal Code. The learned Counsel further submits that the registration of the said crime cannot be taken as motive to commit brutal murder of the deceased practically after two years. Therefore, according to learned Counsel, the applicant has been falsely implicated and hence, the applicant deserves to be enlarged on bail.

6 Perused the papers of investigation. The applicant herein was arrested on 30/3/2014. While in custody, he had disclosed certain facts to the police and pursuant to the said disclosure, the police had investigated the case. On 5/4/2014 the police had recorded the statement of one Bhujang Shetty who runs Lodging Boarding at Kalyan Ambarnath Road, Ulhasnagar. He had disclosed to the police that on 30/3/2014 at about mid-night some boys had come to his

Lodging Boarding and had solicited accommodation for one night. He had recorded the names and address of the said boys. The present applicant was one of them. The boys had left the room in the morning at about 4.30 a.m. It is pertinent to note that the address of the applicant is Thakurpada, Taluka- Ambarnath, District- Thane. There was no reason for him to stay at the hotel during that night. The police had then recorded the statement of waiters of the said hotel.

7 Police had also recorded the statement of Kishore Madhavi who is the resident of Ambarnath. He had disclosed to the police that on 29th March, 2014 at about 10.15 p.m. his friend Sagar Saukhade i.e. the present applicant had been to his house. He had offered dinner to Sagar. But he was accompanied by one more friend. He had borrowed Rs. 2,000/- from Kishor Madhavi. Kishor had borrowed the money from his brother. The applicant had borrowed two T-Shirts from Kishor, as they wanted to go to Vithalwadi. Upon

enquiry, the applicant had disclosed that he had scuffle at dumping ground at Anandnagar and therefore, Kishore had given two T-shirt. Kishor had dropped them to Manergaon. The present applicant had changed his T-shirt. He had also borrowed chappals from Kamin. Kamin had given his chappal to the present applicant and then they left for Vitthalwadi.

8 There are several witnesses to corroborate Kishor. The act of the accused could be considered under section 8 of the Indian Evidence Act. Movements of the applicant were suspicious during the night between 29th March, 2014 and 30th March, 2014 and the police could arrest the applicant even during 24 hours. In view of the material collected during the course of investigation, the applicant does not deserve to be enlarged on bail.

9 In any case, by an order dated 14th February, 2017, the trial was expedited and the learned Sessions Court was requested to conclude

recording of evidence within 9 months from the date of framing of charge. However, since, the accused/applicant has taken one more chance, the said directions are withdrawn. The learned Sessions Judge may consider expediting the trial as far as possible.

10 The application stands dismissed and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)