

Anand

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

BAIL APPLICATION NO.840 OF 2017

Suresh Bapu Koli alias Taral .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.A.M.Savagave, Advocate, for the Applicant
Mr.S.S.Pednekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 03.08.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.511 of 2016 registered with the Daund Police Station, Pune, for the alleged offences punishable under Sections 302 & 201 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the allegations as against the Applicant are false. He submits that the incident took place at the spur of the moment, as the deceased was compelled to consume alcohol, pursuant to which the Applicant gave a

blow on the deceased with an iron rod. He submits that there is evidence of recovery of a weapon, at the instance of the Applicant. He submits that no money has not been recovered, at the instance of the Applicant.

4. Learned APP opposes the Application. He submitted that there are several circumstances which point to the guilt of the Applicant, and show his complicity in the alleged offences. He submitted that there is evidence of last seen; recovery of blood stained iron rod and blood stained clothes at the instance of the Applicant. He also relied on the statement of Shashikant Rajaram Bhoir in support of his submission to show the disclosure made by the Applicant to the said witness.

5. Perused the papers. The incident took place on 03.09.2016. The prosecution case rests entirely on circumstantial evidence. It appears that the Applicant and Sushant(deceased) had gone to Jalgaon on 02.09.2016 for work. Tanaji Raghunath Karnale's statement shows that the Applicant was last seen with the deceased on 02.09.2016. It also appears from the statement of Shashikant Bhoir, that when he met the Applicant on 04.09.2016 and asked him where Sushant was, the Applicant disclosed to him, that Sushant (deceased) had consumed

alcohol and that he had got down at Aurangabad, Delhi Gate and that he would follow later. The Applicant is also alleged to have disclosed to the said witness, that a sum of Rs.41,000/- was with the deceased – Sushant. A perusal of the statement of the brother-in-law (Amar Yallappa Aarage) of the Applicant shows, that on 04.09.2016 itself, a sum of Rs.41,000/- was handed over by the Applicant to him. Apart from the said material, there is recovery of blood stained clothes and blood stained iron rod at the instance of the Applicant.

6. Considering the material on record, this is not a fit case to enlarge the Applicant. Hence, the Application stands rejected.

7. 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)