

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

**CRIMINAL APPLICATION NO. 568 OF 2017
IN
CRIMINAL APPEAL NO. 450 OF 2017**

**Meghnath Gurunath Travadan @ Pillay. ..Applicant.
Vs.
The State of Maharashtra ..Respondent.**

Mr. Uday P. Warunjikar, advocate for applicant.

Mrs. P.P. Shinde, APP for State.

**CORAM : RANJIT MORE, J &
SMT.SADHANA S. JADHAV,J
DATE : SEPTEMBER 18, 2017**

P.C.

1 Heard Mr. Warunjikar, the learned Counsel for the applicant and
Mrs. Shinde, the learned APP for State.

2 The applicant-original accused No. 1 has approached this Court
for bail pending final disposal of the above said Appeal.

3 The Applicant alongwith other three came to be charged for an
offence under section 302 and 201 of the Indian Penal Code. The applicant
and the original accused No. 2 Sanjay Kokane were convicted for offence
under section 302 and 201 of the Indian Penal Code and sentence to suffer
imprisonment for life and the accused Nos. 3 and 4 were convicted of offence

punishable under section 201 of the Indian Penal Code. The above said Appeal filed by the original accused No. 1 is already admitted.

4 The accused in the present C.R. came to be arrested in C.R. No. 401 of 2011 registered at Hadapsar Police Station for offence punishable under section 392 read with section 34 of the Indian Penal Code. During the custody, the original Accused No. 2 made a disclosure statement that on 4/7/2011 he alongwith present applicant-original accused No. 1 and their friend deceased Nitin Dodake consumed liquor and on account of quarrel between them, they killed Nitin Dodake by hitting by stone.

5 In order to prove the guilt of the applicant and other accused, the prosecution relied upon the circumstantial evidence. The applicant-original accused No. 1 and the accused No. 2 had left the house of the deceased alongwith deceased on 4/7/2011. The deceased told his wife that he would come back for dinner. However, he did not come. The wife of the deceased thereafter made enquiries and ultimately on 6/7/2011 missing report was filed by mother of the deceased. When the applicant/accused No. 1 was approached by the mother of the deceased, he told that he left the deceased at his house. Thus, the circumstance of last seen together is proved against the applicant-original accused No. 1 and accused No. 2. It is pertinent to mention that the applicant gave false information to the family members of the

deceased that he had left the deceased to his house.

6 Another circumstance that the prosecution relied upon is the recovery of the motor cycle under section 27 of the Indian Evidence Act at the instance of the present applicant. The evidence shows that the present applicant had made a disclosure that the motor cycle of the deceased was thrown in the well in the field. In pursuant to his disclosure, the applicant-original accused No. 1 has taken to the police and panchas near the well in the field. The said motor cycle was taken out in the rusted condition. Be that as it may, even the dead body of the deceased was recovered at the instance of the accused No. 2.

6 That apart, it is pointed by the learned APP that prior to the incident one case was registered against the present applicant namely C.R. No. 45 of 2010 for the offence punishable under section 394 read with section 34 of the Indian Penal Code. Subsequent to the incident in question, one more C.R. was registered against the applicant namely C.R. No. 401 of 2011 for offence punishable under section 392 read with section 34 of the Indian Penal Code. The applicant was on bail during the pendency of the present trial. However, he has misused his liberty and alleged to have committed crime for which C.R. No. 88 of 2014 for offence punishable under section 307 read with section 34 of the Indian Penal Code.

7 Taking totality of the facts and circumstances of the case and evidence on record, we are of the opinion that the present applicant cannot be released on bail. Hence, the application is dismissed.

[SMT.SADHANA S. JADHAV,J]

[RANJIT MORE, J]