

Anand

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

BAIL APPLICATION NO.927 OF 2017

Punjaram Ragho Mahale .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.S.V.Walve, Advocate, for the Applicant
Mr.Rajan Salvi, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 31.07.2017

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.156 of 2015 registered with the Trimbakeshwar Police Station, Nashik, for the alleged offences punishable under Sections 302 & 201 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the prosecution case rests on circumstantial evidence and that there is no material to connect the Applicant with the alleged offences. He submits that the Applicant had no motive to kill the deceased. He submits that

investigation is complete and charge-sheet is filed.

4. Learned APP opposes the Application.

5. Perused the papers. The prosecution case rests on circumstantial evidence. The circumstances as against the Applicant are, evidence of last seen and recovery of blood stained clothes and blood stained wooden stick, at the instance of the Applicant. It appears from the Post Mortem Report, that the deceased sustained as many as five injuries and the cause of death is stated to be “Cranio cerebral damage due to blunt trauma to head which is sufficient to cause death individually and connectively”. The two witnesses on the evidence of last seen are, Namdev Gopal Mahale and Ramchandra Namdev Mahale. Both the said witnesses have stated, that they had seen the deceased in the company of the Applicant, at about 6.45 p.m. to 7.00 p.m. on 15.12.2015 and that at 8.30 p.m., they heard somebody shouting and hence, went out and saw the deceased lying near the road. The statements of the said two witnesses have also been recorded under Section 164 of the Code of Criminal Procedure. Apart from the said evidence, there is evidence of recovery of a wooden stick and blood stained clothes under Section 27 of the Evidence Act at the instance of

the Applicant.

6. Considering the material on record, this is not a fit case to enlarge the Applicant on bail. Hence, the Application stands rejected. The trial of the Applicant is however expedited.

(REVATI MOHITE DERE, J.)