

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1229 OF 2017

Gorakh Balu Dhasade ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Pritam R.Pendar and L.A.Koiri i/b Pankaj Kavale for
applicant.
Ms.J.S. Lohakre APP for the State.

CORAM: A.M. BADAR, J.
DATED: 9th NOVEMBER 2017

PC:-

1. The applicant/accused in Crime No.I-141 of 2015 under Section 302, 376(A), 366, 420, 201 r/w 34 of the Indian Penal Code registered with police Station Shahapur is seeking his release on bail during pendency of the trial.

2. Heard the learned advocate appearing for the accused. He argued that the applicant was not found in company of the deceased at Shahapur or in the vicinity thereof. It is further argued that post-mortem report as well as the answers to questionnaire goes to show that the deceased might have

suffered death because of drowning. The dead body of the deceased was found near her house not near the house of the present applicant. The learned advocate further drew my attention to the copy of the bail order of co-accused Rahul Dhasade and submitted that the case of the present applicant is at par with the co-accused .

3. The learned APP opposed the application by pointing out that the deceased was seen lastly in the company of the present applicant in a lodge at Shirdi.

4. Deceased in this case was named Rupali Rajendra Farde. She is a married woman with whom, according to the prosecution case the applicant was having illicit relations. The deceased had been to her parental house at the relevant time. On 1.5.2015, Rupali was being reached to her matrimonial house by her brother i.e first informant Chetan Dharvane. Said Chetan reported the police that on 1.5.2015 as he was taking his sister Rupali to her matrimonial house, she alighted

from the motor cycle at village Shenve and left his company on the pretext of fetching a purse from her house. The first informant reported that she did not return. In her purse, the first informant found two cell phone numbers and when he attempted to contact those cell numbers, he was responded by a male voice. This happened on 1.5.2015.

5. Record of investigation shows that the deceased Rupali accompanied the present applicant on very same day and the couple went to lodge at Shirdi. Statement of servants of said Vardhaman Guest House shows that the present applicant as well as deceased Rupali stayed in that guest house on 1.5.2015 and then left the guest house on 2.5.2015. The servant of that lodge, upon showing photographs shown by the investigators had identified that the present applicant was in company of Rupali during that period in the said lodge. Apart from them, one more couple was in the said lodge. Rahul -co accused is the male partner of the said couple. He

granted bail by this Court. Case against him is not at par with the present applicant.

6. It is seen that soon after the applicant and Ruplai left Vardhaman Guest House, dead body of Rupali was found in the river with several anti-mortem injuries. In the questionnaire sent to the investigators Doctor opined that scratch marks on her breast can be caused by nails. Prima facie it appears that Rupali died homicidal death. Soon before her death she stayed in a lodged in company of the present applicant. They had stayed in the same room of the guest house.

7. In this view of the matter, considering the nature of the evidence available against the present applicant no case for bail is made out. Hence the application is rejected.

(A.M. BADAR, J)