

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2232 OF 2016**

Balkrishna Tukaram Angre

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aniket Nikam i/b Mr. Aashish Satpute for the Applicant

Mr. Deepak Thakare, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 29th MARCH, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 161 of 2016 registered with the Paud Police Station, Pune, for the alleged offence punishable under Section 302 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant states that the prosecution case rests on circumstantial evidence and that the circumstances on record are not sufficient to show the complicity of the applicant. He submits that

there is no real motive for the applicant, which has come on record, to cause the death of the deceased.

4. Learned A.P.P opposed the bail application.

5. Perused the application. The prosecution case rests on the circumstantial evidence. The incident in question has taken place on 15th June, 2016 after 7:00 p.m. The circumstance as against the applicant is recovery of a blood stained sickle. The Chemical Analyser's report also shows that the human blood having the blood group of the deceased was found on the sickle, which was recovered at the instance of the applicant. The CDR record also shows the area of the applicant near Matalwadi Phata, around the same time. The fact that a call was made by the applicant to the deceased at around 7:30 which is a one second call is corroborated by the CDR records and the statement of the deceased's son, who had stated that his father i.e. Dilip Chondhe (deceased) had received a call at about 7:30 and had replied as "ALO ALO". Apart from the aforesaid, it appears that there was some dispute with regard to the ancestral land between the applicant and the deceased.

6. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail. Accordingly, the application is 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.

REVATI MOHITE DERE, J.