

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2436 OF 2015

Laxman Ankush Jagtap

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Swapnil Ovalekar Advocate for Applicant.

Ms. J. S. Lohakare APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 2nd FEBRUARY, 2017.

PC :

1) Heard this is an application received through jail. Applicant herein is arrested on 30/06/2014 in crime no. 74 of 2014 registered at C.B.D. Belapur, New Mumbai. Investigation is completed and charge-sheet is filed against applicant for offence punishable under sections 302, 201 r/w 34 of the Indian Penal Code.

2) The learned counsel appointed for the applicant has gone through the compilation of the charge-sheet and has submitted that this is a case of no evidence.

3) Perused the papers of investigation. It is the case of prosecution that on

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27/06/2014, Santosh Patil lodged a report at the police station alleging therein that on 27/06/2014, he had received an information from the police that a labour working at the construction site of Apollo Hospital has fallen in the water tank. Police officer rushed to the spot. The dead body of one person i.e. Shivram Dupargude was in basement in the tank. He was working as labour on the said site. Upon inquiry, it was revealed that on 26/06/2014 all the workers working at that site had gathered at first floor. At about 11.00 pm, they had dinner at the ground floor. Suddenly Shivram had left the group. The co-workers had searched for him for the whole night. On 27/06/2014, they had found Shivram in the duct at the basement. Body was sent for autopsy. After post-mortem was conducted, doctor had disclosed that cause of death was head injury with blunt abdominal trauma due to multiple hard and blunt impacts. It was clear that Shivram had died homicidal death.

4) In the course of investigation, statements of co-workers have been recorded. It was revealed that at the time of having dinner, Sivram had left the spot and was soon followed by the present applicant. They both had left the group together. They had been to search for Shivram near the basement, however, near the basement they saw the present applicant standing with a

PVC Pipe. Upon inquiry, he had feigned ignorance. They had presumed that Shivram was sleeping somewhere.

5) According to the witnesses, there was some previous quarrel between Shivram and present applicant. Other witnesses have disclosed that present applicant had feigned ignorance. This could be an evidence of last seen together because after leaving the group together, Shivram was not seen thereafter. This is a case which rests on circumstantial evidence.

6) The learned counsel appointed for the applicant has put in best of efforts to espouse the cause of the applicant. It is submitted that the applicant has been arrested on the basis of canine inference as dog squad had led the investigating agency to a shoe which belonged to the present applicant.

7) All these aspects can be considered at the time of trial. Application, being sans merits, deserves to be rejected. The professional fees of the learned counsel appointed for the applicant is quantified to the tune of Rs. 2,500/- to be paid to him within 3 months from today.

8) Application stands rejected.

9) The learned Sessions Judge is requested to expedite the trial as far as possible.

10) Office to communicate this order to the applicant who is lodged in Taloja Central Prison.

(SMT. SADHANA S. JADHAV, J.)