

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 513 OF 2018**

Yogesh Devidas Kamble. .. Applicant.

V/s.

The State of Maharashtra. .. Respondent.

Mr. Aashish Satpute, advocate for applicant.

Mr. S.H. Yadav, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JUNE 15, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1908. The applicant herein is arrested on 12/10/2016 in C.R. No. 388 of 2016 registered at Sinhagad Road Police Station, Pune.

3 It is the case of the prosecution that one Sanjay Nirgule, brother of Sandeep Nirgule lodged a report at the police station on 12th October, 2016 contending therein that on 11th October, 2016 Sandeep

Talwalkar

had been to Dandia Programme. A quarrel had taken place between Sandeep and some persons like Parshuram Raut, present applicant and others on the issue of unplugging his motor cycle. The complainant Sanjay Nirgule had received a phone call to that effect and had reached the spot. He had taken his brother home. Thereafter, he had not found his brother at home and Ramesh Gondare had informed the complainant that the dead body of Sandeep was lying near a canal. There was a jogging track by the side. The complainant upon enquiry had learnt from Sanket that due to quarrel which had taken place in the previous night, Sandeep has been assaulted by the present applicant and others.

4 In the course of investigation and upon recording statement of Laxman Nirgule, it appears that on that day at about midnight Sandeep was watching T.V. Some one had called him from outside. They opened door and he had seen Yogesh Kambale and Bala Raut. The mother of the deceased has also disclosed the same. This is more than sufficient to infer that the deceased was last seen in the company of the present applicant and Parshuram Raut. There is recovery of blood stained cloths from the applicant under section 27 of the Indian Evidence Act.

5 Application of co-accused Parshuram @ Bala Raut was withdrawn by the learned Counsel for the applicant on 28/9/2017 when the Court had indicated that the applicant would be rejected.

6 Taking into the consideration of the above mentioned the facts, the applicant does not deserve to be enlarged on bail. By an order dated 28/9/2017, the trial is expedited. It would not be necessary to reiterate the same. The application being sans merits stands rejected. The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]