

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

BAIL APPLICATION NO. 1081 OF 2018

Rohit Ravindra Patil

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Siddhesh S. Borkar I/b. Mr. Niranjan A. Mogre for the applicant.
Mrs. J.S. Lohokare, APP for the State.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 12th OCTOBER, 2018.**

P.C.:

. This is an application under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who has been arrested in C.R.No.182/2017 registered at Nashik Road Police Station, District Nashik for offences punishable under sections 302, 201 r/w. 34 of Indian Penal Code.

2. Heard Mr. Siddhesh Borkar, learned counsel for the applicant. He submits that there is no direct evidence to show the involvement of the applicant in commission of the crime. He further submits that the circumstances relied upon by the prosecution do not link the applicant with the crime. He submits that the applicant is a young boy and

considering the nature of the allegations against him, he be released on bail.

3. Mrs. J.S. Lohokare, learned APP submits that the applicant was friendly with the deceased. The deceased was last seen in the company of the applicant. Her body was later found in a burnt condition. She had sustained stab wounds. The knife which was used for stabbing the deceased as well as the bag of the deceased have been recovered at the instance of the applicant. She submits that all these circumstances point towards the guilt of the applicant.

4. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

5. The aforesaid crime was registered pursuant to the first information report lodged by one Sagar Dilip Jadhav. The first information report prima facie reveals that on 30/05/2017, at about 08:00 a.m., he had seen people gathered near NTPS water pipe line adjoining near the compound of Kirloskar Company. He went to the said spot and saw a burnt body of a lady, who was about 25 to 30 years of age. There were stab wounds on the neck and hand of the said lady.

6. The body was sent for post mortem. The post mortem report reveals that the body was burnt and there were following injuries :-

(i) *Incised wound of size 1.5cm x 0.4cm was present over left side of face, 4cm from midline and 5cm below left eye.*

(ii) *Stab wound of size 3.5cmx1cmx6cm was present over left outer aspect of neck, 2cm below left pinna and 6cm from midline and 4cm from mastoid. One angle was acute and other was blunt. The direction of wound was backward, inward and downward. The track of wound was through skin subcutaneous tissue, muscles and nerves and major vessels of neck.*

(iii) *Stab wound of size 2cmx0.6cmx2.5cm was present over left outer aspect of neck, 1cm was acute and other was blunt. The direction of wound was backward, inward and downward. The track of wound was through skin subcutaneous tissue, muscles and nerves and vessels.*

(iv) *Stab wound of size 1.5cmx0.5cmx2cm was present over left outer aspect of neck, 2cm medial and downward to wound no.2. One angle was acute and other was blunt. The direction of wound was backward, inward and downward. The track of wound was through skin subcutaneous tissue, muscles and nerves and vessels.*

(v) *Stab wound of size 3cmx1cmx5.5cm was present over frontal aspect of right side of neck, 1cm below chin and 4cm from midline. One angle was acute and other was blunt. The direction of wound was backward, inward and downward. The track of wound was through skin subcutaneous tissue, muscles and nerves and major vessels and*

trachea.

(vi) *Stab wound of size 3cmx1.5cmx3.5cm was preset over left outer aspect of left arm, 6cm from tip of left shoulder. One angle was acute and other was blunt. The direction of wound was backward, inward and upwards. The track of wound was through skin subcutaneous tissue and muscles.*

(vii) *Stab wound of size 2.5cmx1.5cmx3.5cm was preset over left posterior aspect of left arm, 5cm from tip of left shoulder. One angle was acute and other was blunt. The direction of wound was backward, inward and upwards. The track of wound was through skin subcutaneous tissue and muscles.*

(viii) *Incised wound of 1cmx0.5cmx0.5cm was preset over base of left hand thumb.*

(ix) *Incised wound of size 3cmx1cmx1cm was preset over left outer aspect of chest 7cm from midline and 12cm from midline.*

(x) *Incised wound of 2.5cmx1cmx1cm was preset over right back 8cm from midline and 31cm from tip of right shoulder.*

(xi) *Dermoepidermal and deep burn injuries were present all over the body. When Superficial layer of the burnt skin was peeled off, there is no reddish white base. No Seinging of hair present at places over burnt skin. Blackening and Charring of burnt skin was present at places. Body eaten by wild animals at some places like thighs.*

7. The doctor had opined that the cause of death was :
Haemorrhagic shock due to multiple stab injuries to neck which are

sufficient to cause death in ordinary course of nature individually and collectively. The said injuries are stated to be antemortem whereas, the burn injuries are stated to be postmortem. The doctor had also certified that the injuries over the neck were caused by pointed sharp edged weapon and the time of death was between 12hrs to 24hrs.

8. Hence, crime was registered against an unknown assailant for causing death of the said lady. In the course of investigation, the identity of the said lady was established as Harshada Ahire. The material on record reveals that the applicant was friendly with the said girl and that he used to visit the house of Harshada Ahire. Said Harshada Ahire was employed at Vidya Sagar classes. On 29/05/2017, she had resumed her duty at about 09:00 a.m. At about 03:30 p.m., she had received a phone call and immediately thereafter, she left the office, informing her colleagues and superiors that she was proceeding to Dindori with her family. She did not return home and her phone was switched off.

9. The statements of Santosh Kachru and Smita Ahire prima facie reveal that on 29/05/2017, between 03:30 p.m. to 04:00 p.m., Harshada Ahire was seen in the company of applicant herein. The

applicant was placed under arrest and while he was in custody, he had made a disclosure statement pursuant to which one knife was recovered. The said knife was forwarded to the Doctor for weapon examination report. The Doctor has opined that the injuries mentioned in the post mortem report are consistent with and could be caused by the said weapon.

10. The records also prima facie indicate that one suitcase, burnt cloth pieces, ash, plastic can were recovered at the instance of the applicant and they were sent for chemical analysis. The chemical analysis report prima facie reveals that the same had tested positive for content of kerosene residue. The material on record also prima facie reveals that the mobile phone of the deceased was also recovered at the instance of the applicant. The motor cycle of the applicant which was used to carry the body of the deceased was also sent for chemical analysis and some dried blood stains were found on the motor cycle. All these circumstances prima facie point towards the involvement of the applicant in committing brutal murder of the deceased-Harshada Ahire who was barely 24 years of age. The gravity of the offence would not justify grant of bail.

11. Considering the above facts and circumstances, in my considered view, this is not a fit case for grant of bail. Hence, Bail Application is dismissed.

12. The aforesaid observations are prima facie in nature and should not be construed as an expression of opinion on merits of the case.

(SMT. ANUJA PRABHUDESSAI, J.)