

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2260 OF 2018

Nilesh Gangaram Doke ...Applicant
vs.
The State of Maharashtra ..Respondents.

Mr.Rahul Karnik for the Applicant.
Mrs. J.S.Lohokare, APP for the Respondent-State.
Mr.K.R.Wankhede, API from Nerual Police Station present.

CORAM : A.S.GADKARI, J.
DATE : 14th December, 2018

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.52 of 2018 dated 1.3.2018 registered with NRI Coastal Police Station, Navi Mumbai under Sections 302, 201, 467, 468, 470, 471, 472 read with 34 of the Indian Penal Code.
2. Heard the learned counsel appearing for the applicant and the learned APP. Perused the charge sheet.
3. The applicant was running a non Government Organization namely Shri. Swami Samarth Sevabhavi Sanstha for the benefit of aged persons, drug addicts, persons addicted to liquor and persons having mental disorder. The deceased

Gajanan was brother of the first informant Smt. Kalpana Choudhary. Gajanan was addicted to liquor and therefore, he was admitted to the institution/Ashram of the applicant for rehabilitation on 1.10.2017. On 2.10.2017 Gajanan ran away from the said place and came to his residence. He was again admitted to the institution of the applicant on 17.2.2018. On 18.2.2018, when the relatives of Gajanan went to the institution they were not permitted to see Gajanan. On 26.2.2018 somebody from the institution informed the relatives of the Gajanan that, he has expired due to heart attack. On 26.2.2018, at about 4.30p.m. the dead body of Gajanan was brought to his residential premises. The applicant also accompanied the dead body. When the relatives removed the cloth from the face of the deceased they noticed ligature marks on the neck. When the relatives asked about the same, the applicant instead of giving explanation ran away from the said place. In the premise, the first information report is lodged.

4. The post-mortem report indicates that Gajanan had suffered about 15 injuries including major injury of ligature

mark on his neck. The cause of death mentioned by the Medical Officer is “Evidence of ligature mark around neck with head injury with multiple injuries over body”.

5. In response to the questionnaire submitted by the Investigating Officer to the Medical Officer attached to the Department of Forensic Medicine, Grant Govt. Medical Collage and Sir J. J. Group of Hospitals, Mumbai he has opined that, the injuries received by deceased Gajanan were not possible due to his abnormal behavior. The ligature mark on neck is not possible by a towel and self strangulation by the deceased. That the same is possible due to strangulation by any other person. The injuries on head are possible due to hard and blunt object or due to banging of head on wall. The deceased has died within 12 to 36 hours prior to conducting post mortem.

6. As noted earlier, it is the applicant in whose lawful custody deceased Gajanan was kept by his relatives for rehabilitation. As per the prosecution, on 25.2.2018 wife of Gajanan and his brother in law had been to the said Ashram,

Gajanan told them in presence of witnesses that after he returns home he will tell them about the malpractices adopted in the said institution and due to the fear being defamed and/or adverse publicity due to the opinion given by Gajanan to his relatives, it is alleged that the applicant along with other accused persons committed murder of Gajanan immediately on 26.2.2018. There is proximity in the statement made by Gajanan to his wife and brother in law and the death of Gajanan prior to 7.00 a.m. of 26.2.2018.

7. In view of the above, there is sufficient material available on record to show the complicity of the applicant in the present crime,. It further prima facie appears that, the applicant is the preparater of the present crime.

8. In view of the above the applicant does not deserves to be released on bail.

Application is accordingly rejected.

(A.S.GADKARI, J.)