

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 854 OF 2019

Akshay Vishnu Shigvvan

...Applicant

V/s.

The State of Maharashtra

...Respondent

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Mr. Avinash H. Fatangale i/b Vishakha V. Pandit, Advocate for the Applicant.

Mr. S. R. Shinde, APP for the State-Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th November 2019

PC :

1. This is an application for bail in connection with C.R. No. 47 of registered with Mandangad Police Station, Taluka Khed, Dist. Ratnagiri for offences punishable under Sections 302, 392, 397, 120(B) and 201 r/w Section 34 of IPC.

2. The prosecution case is that on 31st October, 2017 about 9.30 pm. the complainant's husband left home with Tata Magic Vehicle. While leaving home the husband of the complainant informed her that he was going to drop passengers at Tangar from Kangarva Via Tondali. One person who made phone call to complainants' husband came on motor cycle at their home. Thereafter, three other persons also came there on motor cycle. All of them left together. The

complainant did not return home. His Phone was found switched off. The brother-in-law of the complainant found that the vehicle was parked on the middle of the road and the said vehicle was empty. He took the key of the vehicle and handed over the same to the complainant. Subsequently, the dead body of the deceased was found. FIR was lodged and Investigation proceeded. The applicant was arrested.

3. The contention of the learned counsel for the applicant is that entire case is based on circumstantial evidence. There are serious discrepancies in the evidence of the witnesses. The complainant in her complaint had not given description of the person who visited her house. The Statement of the witness, who is brother-in-law of the complainant, would indicate that he found the vehicle standing on the middle of the road and he took the key of the said vehicle and handed over the same to the complainant in the evening. It is submitted that the statement of the said witness Ramesh Gharbe does not refer to the fact that there were any blood stains on the vehicle. However, the panchanama relating to the vehicle refers to the blood stains inside the vehicle as well as on the Tyre. It is further submitted that the co-accused has been granted bail by the Sessions Court. The applicant is young boy and he is in custody since last 2 years. Per contra, learned APP submitted that there is sufficient

evidence against the applicant. The complainant has identified the applicant. There is recovery of the gold ornaments which has been identified by the complainant as belonging to the deceased. Thus, there is sufficient evidence to show the involvement of the applicant.

4. I have perused the documents on record. The FIR was lodged by the wife of the deceased on 1st November, 2017. She has referred to the fact that some persons had visited their house and the husband has also received call from one of them and all of them left the house. The Victim did not return the home. In the subsequent statement, the complainant has given description of the unknown person. The applicant was put up in Test Identification Parade and he has been identified by the complainant as the person who visited the house. During the course of the investigation, the gold chain has been recovered from the applicant which has been identified by the complainant. The case of the prosecution that there was conspiracy by accused. There is recovery of the weapon from the accused which was used in the commission of crime. There is sufficient evidence against the applicant. Learned APP also pointed out that charge has been framed against the applicant. It is expected that the Trial would proceed. Considering the circumstances, the case for grant of bail is not made out. Hence, the order as follows :

ORDER

1. Criminal Bail Application No. 854 of 2019 stands rejected and disposed of.
2. Trial is expedited.

(PRAKASH D. NAIK, J.)