

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

**CRIMINAL BAIL APPLICATION NO. 2960 OF 2018**

Natha Dada Lavate ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Rahul K. Dhaygude for Applicant.

Ms. J. S. Lohokare, APP for Respondent – State.

Mr. Shirish Shivaji Shinde, PSI, Wai Police Station present in Court.

**CORAM : NITIN W. SAMBRE, J.**

**DATE : JANUARY 17, 2019.**

**P.C. :**

. In Crime No. 103 of 2018 for an offence punishable Under Sections 302, 201 read with Section 34 of the Indian Penal Code the Applicant is seeking regular bail. The Applicant came to be arrested on 20<sup>th</sup> April, 2018 and was chargesheeted.

2. The case of the prosecution against the Applicant is based on circumstantial evidence. In the aforesaid background, the learned Counsel for Applicant sought regular bail on the following grounds :-

- (a) On September 27, 2018 in Bail Application No. 1998 of 2018 co-accused Ravindra Dhula Shendge is ordered to be released;
- (b) The role attributed to the said accused is more serious than the Applicant; and
- (c) The case of the Applicant cannot be distinguished from the case of co-accused Ravindra on the backdrop of the statement of the witness namely, Jeevan Baban Mandhare – the Restaurant owner on whose place the victim and the accused persons were lastly seen on 14<sup>th</sup> April 2018.

As such, the learned Counsel for Applicant prays for release of the Applicant.

3. *Per contra*, the learned APP opposed the claim on the ground that there is sufficient material available on record to infer the Applicant in the crime in question.

4. With the assistance of the learned APP I have perused the chargesheet.

5. Genesis of the offence is that the Applicant claimed to have taken to the victim girl on promise of having a pleasure trip and visited Mandhardev Devi Temple. Before visiting the temple in the night before the incident the Applicant stayed with the victim girl in a Lodge as is apparent from the statement of the Lodge owner namely, Jeevan. The Customers/Visitors Register and the CCTV footage *prima facie* establishes the very accomplishment of the Applicant with the deceased.

6. The CCTV footage of the temple where the Applicant visited with the victim girl and two accomplices also pin-points the Applicant being seen together in the company of the deceased. From the statement of Jeevan Mandhare – the Restaurant owner it has come on record that the victim girl went with two male members on a single motor-bike. When the Applicant was identified as the same person who was accompanied with the victim girl and it is the Applicant who was the first in company with the victim girl till the CCTV footage are traced, the case of the Applicant cannot be considered to be at par with that of the other co-accused Ravindra, who is ordered to be released.

7. There is sufficient material on record in the form of statements and CCTV footage to infer the *prima facie* involvement of the Applicant as the lead accused in the crime in question.

8. That being so, the present Bail Application lacks merit. Hence, the same stands dismissed.

**(NITIN W. SAMBRE, J.)**