

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

**CRIMINAL APPLICAITON NO. 414 OF 2019
IN
CRIMINAL APPEAL NO.237 OF 2018**

Lavu Vijay NaikApplicant

vs.

The State of MaharashtraRespondent.

Mr. R.D. Suryawanshi for the Applicant.

Mr. Arfan Sait, APP. for the State.

Mr. K.K. Khot, Dy. S.P. Addl. charge CID, Sindhudurga present.

Mr.G.V. Teli, CID, H.C.718, Sindhudurga present.

**CORAM : B.P.DHARMADHIKARI &
MRS. SWAPNA S. JOSHI, JJ.
DATE : 12th July, 2019**

PC :

1. After passing an order in detail on 5.7.2019 we adjourned the matter today to enable the respective counsel to point out to court the date on which Section-161 Cr.P.C. statement of P.W.16 was recorded.
2. Today it is not in dispute that, when local police carried out the investigation, the said statement was recorded on 25.7.2010. Prior to that

P.W.16 was also detained under suspicious of his involvement in the crime.

3. Investigation was then transferred to State CID. There is no inconsistency between these two statements. His second Section-164 statement was recorded on 26.12.2012.

4. Thus, the extra judicial confession by accused to his relative P.W.16 has come on record on 25.7.2010 itself.

5. Material on record also *prima facie* shows that accused thereafter was not traceable. No formal steps to declare him as absconding appear to have been initiated. However, investigation was handed over to State CID which claims that accused on his face book account he could be traced to a place at bungalow where he was working. The colleague worker P.W.15 there has also spoken about extra judicial confession.

6. In these circumstances, at this stage we are not inclined to release the applicant on bail. Application is rejected.

7. Liberty to move for fixed date of hearing after six months.

(MRS. SWAPNA S. JOSHI, J.)

(B.P.DHARMADHIKARI, J.)