

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

**CRIMINAL APPLICATION NO.816 OF 2019
IN
CRIMINAL APPEAL NO.1541 OF 2018**

Ravi Mangal Shelke

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Abbas Z. Mookhtiar a/w Mr. Nisarg B. Mehta for the
Applicant/Appellant.
Mr. Arfan Sait, APP for the Respondent/State.
Mr. R. R. Tadavi Murbad Police Station, Thane, Rural.

**CORAM : B. P. DHARMADHIKARI &
MR. SANDEEP KASHINATH SHINDE, JJ.
DATE : 21/08/2019.**

P.C.:

. Conviction of applicant/accused is based mainly on motive and circumstance of last seen. PW-1 mother has stated that deceased minor was taken by accused for catching crabs and thereafter minor did not return home. When questioned about whereabouts accused gave evasive answers and then vanished.

2. When villagers were taking search, accused was found hiding in forest and then he was taken to police Station. Her police complaint shows that while villagers were taking search, body of deceased minor was seen in adjacent field. Accused was again questioned, accused then told that he had eliminated the boy.

3. Submission is complainant being step mother has falsely

implicated the applicant. He was not absconding and had gone to Dombivli. Learned APP pointed out that not only PW-1 mother but then PW-6 an independent person supports the fact that accused was in village only. He pointed out from evidence of PW-6 that accused had then handed over his mobile phone to PW-6 and then did not bother to collect it back immediately.

4. Learned APP also states that because of property dispute in family extreme step was taken by accused person.

5. Learned counsel for the applicant submits that though prosecution claims strangulation there are no body marks and hence the death appears to be accidental. Accused cannot be connected with it.

6. At this stage we cannot appreciate the material threadbare. Autopsy report shows strangulation to be the cause of death. PW-1 mother apparently has no reason to falsely implicate accused. She pointed out that deceased went with accused. PW-6 has also seen accused in village only that too in the field at a short distance from deceased and his mother.

7. In his defence under section 313 of Cr.P.C. statement, accused has claimed that he was at Dombivli.

8. Taking overall view of the matter we find no case made out for grant of bail. The application is rejected. As accused is completing 8 years in jail, we direct the Registry to place the matter on final hearing board.

(SANDEEP KASHINATH SHINDE, J.)

(B. P. DHARMADHIKARI, J.)