

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

**CRIMINAL APPLICATION NO.868 OF 2019
IN
CRIMINAL APPEAL NO. 904 OF 2018**

Ashok D. Dhavale

....Applicant

vs.

The State of Maharashtra .

....Respondent

Mr. Nitin Jadhav for the Applicant.

Ms. M.H.Mhatre, APP. for the Respondent.

**CORAM : B.P.DHARMADHIKARI &
SMT. SWAPNA S. JOSHI, JJ.
DATE : 28th June, 2019**

PC :

1. Heard learned counsel Shri. Jadhav for the applicant and learned APP for respondent.
2. Shri. Jadhav has briefly taken us through material evidence to urge that the investigation is not free from doubt. According to him the narration of prosecution story begins from 1.2.2015 and bodies of three deceased were found on 24.4.2015. He submits that though the identity of bodies is not in dispute, Doctors could not point out any cause of death and further it is

significant to note that Investigating Officer has not forwarded those bodies to Department of Anatomy for that purpose and said exercise was not undertaken.

3. It is alleged that there was love affair of accused with one of the deceased. The villagers objected to it and then accused shifted to some other village. These facts are not sufficient to show that accused has committed murder. He submits that to show that death of mother and her two daughters are homicidal, something more was required and that is lacking.

4. Learned APP invites our attention to Paragraph 16 of the Judgment to point out the chain of circumstances looked into by the trial court. She argued that surviving daughter P.W. NO.1/complainant was making efforts to contact her mother and her sisters from 1.2.2015 and got misleading information. Hence, after some time she visited the place of her maternal uncle and from him, she learnt that her mother and two sisters had never come there. She then lodged report and investigation began. She points out that applicant was taken in custody and panchs as also police were taken by accused to the spot where three bodies were lying scattered within a radius of about 200ft. At very same place, a wallet containing driving

licence, election card and identify card issued by Security Company and photograph of deceased female, was found and same is of the applicant. She therefore submits that discovery of three bodies proves the knowledge of accused about the fact that bodies were lying there and independently, finding of a wallet there also proves the fact that accused had been to that spot.

5. She adds that sim card used by the mother was also seized and recovered from the house of accused.

6. In reply to argument, Advocate Jadhav states that Nodal Officer examined to prove the ownership of that sim card did not point out that said sim card was of mother-Lilabai and hence, there is no material on record connecting accused.

7. After hearing respective counsel, we find that applicant has not claimed that he had made phone call to P.W.1 by using sim card obtained in his name or by him. The prosecution has claimed that sim card has been used by Lilabai and Nodal Officer has proved the same. Not only this, the fact that deceased three ladies were not seen in the village and they were residing with applicant has also come on record because of this evidence. Their bodies are found at a remote place and at that place wallet containing

personal belongings of accused was found.

8. At this stage, we find sufficient material to deny bail to the applicant.

Application is therefore rejected.

9. At this stage Shri. Jadhav, learned counsel for applicant requests for expeditious disposal of appeal. Liberty to renew the request after six months.

(SMT. SWAPNA S. JOSHI, J.)

(B.P.DHARMADHIKARI, J.)