

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1667 OF 2019

Gopal Ramsing Rajput, Age 28 years,
Occ.Business, R/o.Room No.501, B Wing,
Adinath Heritage, Plot No.38,
Sector-17, Ulave, Panvel.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Daulat G. Khamkar for applicant.

Mr.Pashant Jadhav, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th November 2019

PC :

1. This is an application for bail in CR No.108 of 2017 registered with Uran Police Station for offence under Section 302 of Indian Penal Code. The applicant was arrested on 22nd June 2017. The FIR was lodged on 1st June 2017.

2. The case of prosecution is that the dead body of the deceased was found on 1st June 2017. The investigation proceeded. Thereafter since there was no head-way in the investigation, it was transferred to Crime Branch, Unit-II, Panvel. During the course of investigation statements of witnesses were recorded. The statement of Sadanand Shetty mentions that about five persons along with the deceased have visited the bar and restaurant where he is working as manager on 31st May 2017. His statement was recorded on 27th June 2017. The photograph of the deceased was shown to him to which he identified as the person who had visited the hotel. Subsequently

identification parade was conducted in which he identified the applicant. Statement of the said witnesses was recorded on 5th October 2017, which supports his identification. Similarly statement of another witness Arun Shinde was recorded on 6th July 2017. He had stated that on 31st May 2017 he had seen the accused and the deceased in Scorpio vehicle. He was shown the photograph of the deceased, which was identified by him as the person who was in the vehicle. He also identified the applicant in the identification parade. His statement was recorded on 15th August 2017.

3. Learned advocate for applicant submitted that the applicant is in custody from 22nd June 2017. The statements of two witnesses who refer to the last seen together were recorded belatedly. The supplementary statements of the said witnesses also recorded almost seven days after the test identification parade. The identification witness has not given the description of the accused. He further stated that the case is based on circumstantial evidence and there is no strong evidence to connect the applicant in crime. The vehicle was allegedly recovered belatedly. In the meantime, the said vehicle was being used by the owner of vehicle. It is submitted that the co-accused has been granted bail by this Court. The evidence of CCTV footage cannot be relied upon by the prosecution.

4. Learned APP submitted that there is strong evidence against applicant. The evidence of last seen together is fortified by identification of applicant in the identification parade. There is recovery of vehicle from the applicant. There were blood stains in the vehicle. The dead body of the deceased was identified by one of the witness on 4th June 2017.

5. I have perused the charge sheet. Although the statements of witnesses Sadanand Shetty and Arun Shinde were recorded subsequently, it is apparent that they identified the applicant. The evidence of last seen together is further fortified by the fact that there is recovery of vehicle from the applicant. The statement of owner of vehicle Divesh Mune was recorded in which he has stated that the vehicle was given to applicant. Thus, although there is no eye witness to the incident, there are strong circumstances to show involvement of the applicant in the crime. The co-accused was not identified by the witnesses. Hence, no case for grant of bail to the applicant is made out. Accordingly, Criminal Bail Application No.1667 of 2019 is rejected.

(PRAKASH D. NAIK, J.)

MST