

Urmila Ingale

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

**CRIMINAL APPLICATION NO. 1365 OF 2019
(FOR BAIL)
IN
CRIMINAL APPEAL NO. 785 OF 2017**

Ramgounda Shivgounda Amrutatti .. Applicant

Vs.

The State of Maharashtra .. Respondent

Mr.U.P.Warunjikar i/b Hulyalkar & Associates, for Applicant.

Mr.A.Sait, APP for State.

**CORAM : RANJIT MORE &
M. S. KARNIK, JJ.**

DATE : 25th NOVEMBER, 2019.

P. C. :

. Heard Mr. Warunjikar learned Counsel for the applicant and Mr.Sait learned APP appearing for the State of Maharashtra.

2. The applicant is original accused No.1. He was convicted for the offence punishable under section 302 and 201 of IPC. He was sentenced to suffer rigorous imprisonment for life. The applicant had earlier filed Criminal Application No.271 of 2018. However, the said application was withdrawn with liberty to apply again, if the Appeal is not heard within a period of one year from the date of the order. Since the Appeal was not heard within that stipulated time, the present application is taken out for bail for second time.

3. Mr. Warunjikar learned Counsel for the applicant submitted that there is no eye witness to the incident and entire prosecution case depends upon circumstantial evidence. Mr. Warunjikar took us through deposition of P.W.5, P.W.7, P.W.8, P.W.12, P.W.13 and submitted that chain of circumstances is not complete so as to come to the irresistible conclusion that present accused has committed the murder in question. Mr.Sait learned APP also relied upon the said witnesses. He submitted that chain of circumstances shows that only the applicant – original accused No.1 has committed the offence in question.

4. So far as the motive is concerned, the prosecution has examined P.W.9 Pravin Arali. The deposition of this witness discloses that there was illicit relation between the deceased and wife of accused. This witness has also stated that on 05/09/2013, the deceased and accused abused each other and they also tried to beat each other. The witness further deposed that applicant threatened to kill the deceased.

5. P.W.5 – Advyappa Amratti, on the date of the incident i.e. 11/09/2013 at about 8.30 p.m., has seen present applicant - original accused No.1 & original accused No.3 coming from his farm house on the road on motorcycle and in the headlight of the motorcycle, he saw the applicant – original accused No.1 and original accused No.3 carrying one jute gunny bag on motorcycle. On enquiry by this witness as to what they are carrying in gunny bag, the applicant told that it was jowar.

6. P.W.12 and P.W.13 saw applicant & original accused No.3 throwing something in the Krishna river. On enquiry, applicant - original

accused No.1 & original accused No.3 told that they are throwing pooja articles in the river. Though Test Identification parade was not taken, PW.12 & 13 have identified the present applicant in Court.

7. That apart, the deceased was missing since 2.00 p.m. on 11/09/2013. The applicant was arrested on 23/09/2013. On 24/09/2013 dead body of the deceased was recovered from the Krishna river at Belgaon. The recovery was made at the instance of the present applicant. On 26/09/2013, blood stained clothes and axe came to be recovered from the house of the applicant and seizer punchanama to that effect was effected. The said seizer punchanama is proved by PW.3. There were blood stains on the clothes of the applicant and axe. The blood was found to be of human.

8. Thus, there was motive for the applicant to kill the deceased. The applicant was found throwing something in the gunny bag in the Krishna river. The said gunny bag was recovered at the instance of the applicant in which dead body of the deceased was found. The blood stained clothes of the applicant and blood stains on the axe was also seized from the house of the applicant. The trial Court has taken the above circumstances into consideration and concluded that the applicant has committed murder of the deceased and therefore convicted for the charges under section 302 and 201 of IPC.

9. In the above circumstances, we are not inclined to grant bail. Application is rejected.

10 It is expressly made clear that all the observations made hereinabove are prima facie in nature and for the purpose of disposal of this application.

11. Since the applicant is in custody for more than 6 years, hearing of the Appeal is expedited.

[M. S. KARNIK, J.]

[RANJIT MORE, J.]

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