

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

CRIMINAL BAIL APPLICATION NO. 2543 OF 2019

Rajendraprasad Shivvyadna Tiwari ...Applicant

Versus

The State of Maharashtra ...Respondents

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Mr. Nitin Sejpal a/w Pooja Sejpal,
Advocate for the Applicant.

Ms. Rutuja Aambekar, A.P.P. for the Respondent-State.

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CORAM : SANDEEP. K. SHINDE, J.
DATE : 03rd DECEMBER 2019.

P.C.

1. Heard learned counsel for the applicant and learned A.P.P. for the Respondent - State.
2. Applicant is seeking his enlargement on bail in Crime No. I - 234 of 2018 registered with the Naupada Police Station, for the alleged offences punishable under Sections 302, 201, 363, 364, 365, 120-B of the Indian Penal Code, 1860.
3. It is alleged, murder of Surendra is fall out

of his love affair with applicant's daughter. Applicant and co-accused conspired to eliminate Surendra (deceased). In execution of the conspiracy, deceased was summoned at a place convenient to the accused on a pretext of showing a residential premises, of which deceased was in need of and in furtherance thereto, deceased was abducted in a car no. 2578 and confined in a room, adjacent to 'Sonu Garage', at Mulund. The car was owned by Mr. Sawant, who said applicant had taken his car on 14.07.2019.

4. It is prosecution case that Surendra (deceased) was assaulted in a room, adjacent to Sonu Garage and detained therein for hours, in night intervening 14th and 15th July 2019.

5. In the early morning of next date i.e. 15.07.2018, Surendra (deceased) and the applicant, both boarded Kasara bound train at Mulund Railway Station. CCTV footage captured at Mulund Railway Station was retrieved and panchanama was drawn on

16.08.2018. It shows, applicant and the deceased were seen together at Mulund Railway Station on 15.07.2017 in early hours. It appears, the applicant so as to conceal his identity had covered his face by a blanket; however Ruchi Yadav friend of applicant's daughter identified the applicant, though he had covered his face by blanket. Prosecution has recovered a blanket from the house of the applicant, on the voluntary disclosure made by him.

6. It is prosecution case, that applicant and deceased traveled in Kasara bound train and in between Khadawali and the Vasind Railway Station, applicant pushed Surendra out from the running train. His body was found on the railway track. The police could not trace his relatives for seven days. It may be stated in inquest panchanama, a blue jeans pant was found on the person of the deceased. CCTV footage also, shows blue jeans pant was on the person of the deceased.

7. It may be stated, soon after the incident,

applicant had gone to Dubai and was apprehended on the Airport on 08.08.2012 at Mumbai.

8. Learned counsel for the applicant submitted investigation is over and except, evidence in the nature of CCTV footage showing applicant and deceased were together on 15.07.12018, there is no other evidence to connect the applicant in the subject crime.

9. I have perused the investigation record; also perused the panchanama retrieving the CCTV footage, railway tickets, statement of a car owner wherein deceased was first abducted, which prima-facie discloses applicant complicity in the crime.

10. Application is therefore rejected.

(SANDEEP. K. SHINDE, J.)