

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 1866 OF 2018****IN****CRIMINAL APPEAL NO. 1249 OF 2018**

Ganesh Vasant Garad

.....Applicant

Vs.

The State of Maharashtra

....Respondent.

Mrs. Aisha M.Z. Ansari a/w Mr. Nazreen S.K. Ayubi for the Applicant.
Ms. M.H. Mhatre, APP for the Respondent-State.

CORAM : A. S. OKA, AND**A. S. GADKARI, JJ.****DATE : 30th JANUARY, 2019.****P.C.:-**

Heard the learned counsel appearing for the Applicant and
the learned APP for the Respondent-State.

2 The Applicant has been convicted for the offence punishable under Section 302 of the Indian Penal Code. In support of this Application for bail, the learned counsel appearing for the Applicant has taken us through the notes of evidence. We find that, apart from the evidence of last seen together, the Applicant-first accused showed tank in which the dead body of the victim was thrown. The learned Trial Judge found that the gap between the last

seen together and recovery of dead body is not significant as the medical evidence shows that the death may be on the date on which the Applicant was seen lastly together with the victim. Moreover, there is an evidence of recovery of weapons used in the offence at the instance of the Applicant. *Prima facie*, it appears to us that there is sufficient material on record to prove the complicity of the Applicant. The Applicant was arrested on 27th October, 2017.

3 Considering what is discussed above, no case is made out for enlarging the Applicant on bail. Application is rejected.

(A.S. GADKARI, J.)

(A.S. OKA, J.)