

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (BA) NO. 521 OF 2020

(Richesh @ Ritesh s/o Deepak Sikkalwar ..vs.. State of Maharashtra, through PSO, PS Nandanwan,
Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. C.G. Barapatre, Counsel for the applicant,
Mrs. S.S. Jachak, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 29-10-2020

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard.

3. This application is preferred by the applicant for regular bail in connection with Crime 117/2019 registered with Nandanwan Police Station, Nagpur for offence punishable under Section 302 of the Indian Penal Code.

4. The body of the deceased Rahul was discovered in the house of the applicant's father. Rahul was brutally done to death. The assault was with hammer and other weapons which caused at least 19 injuries on the face and head. The brutality of the assault can be gauged by the fact that the brain had come out from the skull.

5. The mother of the deceased lodged report. She accused the applicant of having murdered Rahul. According to her, the motive was that the applicant had a fancy for Pooja-the maternal sister of the deceased. The applicant tried his level best to persuade the deceased and his mother to arrange an alliance with Pooja. The applicant received no response. In due course, Pooja married. At one point in time, due to some marital issues, she came back to her maternal home. The applicant seized the opportunity and started pestering the deceased and his family to arrange his marriage with Pooja. Nobody obliged the applicant, which enraged him and this is the alleged motive for the murder.

6. Mr. Barapatre, learned Counsel submits that the case is based on circumstantial evidence and there is no cogent material on record to suggest that the chain of circumstances is complete.

7. I am not inclined to agree with Mr. Barapatre's submission.

8. The body was discovered in the residential house of the applicant's father. This is important in the context of the case of the prosecution that the applicant called the deceased there with the intention of eliminating him.

9. The grandmother of the applicant has stated that the applicant confessed the crime. At this stage, nothing is shown to me to suggest that the grandmother is falsely implicating the applicant. Another witness Umesh has stated that the applicant not only confessed the crime, he further took Umesh to the house of his father and showed him the dead body.

10. Blood stained clothes are recovered from the applicant.

11. The cumulative circumstances, if proved, may be sufficient to form such chain as would exclude the possibility of innocence. This of course is a *prima facie* observation made for the purpose of considering the application for bail.

12. The application is dismissed.

JUDGE

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Prafulla
Adgokar

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by Prafulla
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