

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

**CRIMINAL BAIL APPLICATION NO. 806 OF 2021**

Deepak Raosaheb Sukale  
Versus

.... Applicant

The State of Maharashtra

.... Respondent

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Mr. Tejas Hilge, for the applicant.

Mr. Ajay Patil, APP for the State/Respondent.

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**CORAM : SARANG V. KOTWAL, J.**  
**DATE : 28<sup>th</sup> JUNE, 2021**  
**(Through Video Conferencing)**

1. The applicant is seeking his release on bail in connection with C.R.No. 85 of 2020 registered at Bharati Vidyapeeth Police Station, Pune, on 15/01/2020, under sections 302, 201 read with Section 34 of the Indian Penal Code. The applicant was arrested on 16/01/2020 and since then he is in custody. The investigation is over and the charge-sheet is filed.

2. Heard Mr. Tejas Hilge, learned counsel for the applicant and Mr. Ajay Patil, learned APP for the State.

3. The prosecution case is about commission of murder of one Sunita Shelke. The allegations are that the applicant was having illicit relations with Sunita and because of their dispute, he committed murder of Sunita's with the help of others and tried to dispose of the dead body by keeping it in a gunny bag and throwing it at a secluded spot.

4. The FIR was lodged by Police Naik Rajaram Kolte. He has stated that on 15/1/2020, at about 1.10 p.m., they received an information that a gunny bag containing a dead body was found near Jambhale petrol pump on Mumbai-Bangalore High Way, on the road going towards Sairaj Srishti. The informant and other team members of the police went there. The dead body was removed from gunny bag and thereafter this FIR was lodged.

5. Learned Counsel for the applicant submitted that the case is based purely on circumstantial evidence

against the applicant. He submitted that, in this case, the dead body was already found. Therefore the applicant's memorandum statement showing the place where it was thrown, has no value. There is no evidence against the applicant.

6. Learned APP opposed this application. He submitted that there is CCTV footage which has captured the applicant and co accused traveling on motor cycle with a gunny bag between them in that area. He submitted that there are strong circumstances against the present applicant.

7. I have considered these submissions. Post mortem notes mentioned that cause of death was 'due to blunt trauma to head and neck'. There are statements of sons of the deceased namely Avinash Shelke and Ajay Shelke. They have stated that their mother Sunita was having affair with the present applicant since four years prior to the incident. The applicant was staying with the

applicant at Karve Nagar. Both brothers had opposed this affair. On one occasion, Sunita was beaten by the applicant's family members. For about two and half years the applicant stayed with Sunita. Thereafter he left her and started staying with another lady. Sunita thereafter broke their relations but still the applicant kept in touch with her.

8. On 14/01/2020 at about 11.00 a.m. Sunita had left her house and since then she did not return. Therefore both brothers expressed suspicion against the applicant. Their statements clearly show relationship between the applicant and the deceased and harassment caused by the applicant to her. In this context statement of the applicant recorded under Section 27 of the Evidence Act is also important. In that statement he had shown willingness to point out the place from where he had purchased a gunny bag and the place where he had thrown the dead body. The panchnama shows that the applicant had led the police to various places. He

took the police party from Kapuroval, Nasrapur phata, Khed Shivapur Tol plaza, then to a service road near Swami Narayan temple towards Ambegaon then to Jambhle petrol pump and then towards Sairaj Shristi project. Police have seized CCTV footage from Swami Narayan temple mentioned in that panchnama. The CCTV footage shows both the accused i.e. applicant and co-accused Dharma were going on their motor cycle with a gunny bag placed between them. This CCTV footage was of 14/1/2020 of the time 8.00 p.m. to 8.10 p.m. Thus reading these two documents together shows that the applicant had taken the dead body of the deceased in that gunny bag to that particular spot. Apart from that there is statement of shop owner Pramod who has stated that the applicant had purchased that particular gunny bag from his shop.

9. Thus all these circumstances have formed their own chain and prosecution story, that, the applicant had murdered Sunita by assaulting her and had thrown her

dead body is sufficiently reflected in the charge-sheet. Considering the nature of the evidence against the present applicant, no case for bail is made out.

10. The application is rejected.

**(SARANG V. KOTWAL, J.)**