

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1261 OF 2021**

Ramdas Nath Kuchekar	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

...

Mr.Tejas Hilage for the applicant.
Mrs.A.A.Takalkar, APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 5th JULY 2021**

P.C:-

1 Heard Mr.Tejas Hilage for the applicant and Mrs.Takalkar, learned APP for the State.

2 The applicant is seeking his release on bail in connection with C.R.No. 66 of 2019 registered with Indapur Police Station, Pune Rural which is now culminated in Sessions Case No.87 of 2019. The applicant is charged with an offence punishable under Section 302 read with Section 34 of the IPC. He came to be arrested in connection with the said crime on 22nd January 2019 and since then is behind bar.

3 The said C.R came to be registered on a complaint filed being lodged on 22nd January 2019 by the complainant who

Tilak

is driver by profession and drive his truck of Tata Company. Along with him, his cousin Ajar Jabbar Sayyed is also working as a driver. He report of an incident dated 13th January 2019 when he accompanied his brother after loading the fodder from Varangal, Andhra Pradesh, proceeded enroute to Sonai Cattle field, Indapur. They started from the originating point at 11'O clock and since it was the festival of Sankrant, they stayed at home and reached Sonai Cattle field, Indapur on 17th January at 11.30 p.m. Since they come to know that it will take nearly three days to disload the goods, the complainant had to part company with his cousin brother who informed him that he was required to halt at Palasdev on account of some fault in the radiator. When he reached Palasdevo, the vehicle which was driven by his cousin was found to be stranded on the service road but his brother was not traced.

On inquiry, he was informed that he had accompanied one Ramdas Nath Kuchekar – applicant and Navnath Kamble towards Loni village. When the complainant went in search for him towards Loni, he found Jabbar lying on the road and when he went close to him, he was found to be bleeding from his nose and mouth and one blood stained stone was also lying nearby. This resulted in the complaint being lodged.

4 On completion of investigation, the charge-sheet has been filed which include statements of witnesses who had seen

the applicant in the company of the deceased. The statement of one Tatyaso Tonde, an owner of the hotel named Prajapati, is that on 22nd January 2019, the applicant along with Navnath and one unknown person had been to his hotel on a motor-cycle where they consumed liquor which was brought by them and thereafter, they rode on the bicycle, triple seat. When he came to know about a dead body being found near the S.T. Stand, he approached the spot and found that he was the same person who had come to his hotel along with the applicant and Navnath. Similar is the statement of the waiter of the said hotel Dadaram Bhong and one Shahaji Tonde. One Shankar Nale also corroborate the aforesaid witnesses when he talks of the applicant being in the company of Navnath and unknown person when he demanded money from him and from there, the three persons had left towards Palasdev on the motor-cycle. One Gorakh Sonavle's statement is also included in the charge-sheet who was engaged in the act of filling petrol on Deokar Petrol Pump where the applicant accompanied by Navnath and unknown person paying for petrol of Rs.50/- in the motorcycle. The said witness has identified the dead body found in the village to be of the person who was accompanying Ramdas and Navnath on 22nd January 2019.

5 The CCTV footage is also obtained from the petrol pump where the deceased is seen in the presence of Navnath and

the applicant. The aforesaid circumstances connect the applicant to the offence with which he is charged and the CCTV footage has been compiled in the charge-sheet after obtaining the certificate under Section 65B of the Evidence Act. The circumstances so collated point out to the applicant. Further, there is recovery of licence and ATM card of the deceased in pursuance of the Memorandum statement, which *prima facie* connect the applicant to the death of the deceased.

6 Taking into account the aforesaid circumstances, no case is made out by the applicant for grant of bail.

7 Application is therefore, rejected.

SMT. BHARATI DANGRE, J