

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 34 of 2021

Chetan Shahaji Jadhav

.. Applicant

Versus

The State of Maharashtra

.. Respondent

...

Mr.Khan Rustam Khan i/b Tejas Hilage for the applicant.

Ms.Rutuja Ambekar, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 3rd AUGUST, 2021

P.C:-

1 The applicant is charge-sheeted in C.R.No.91/20 registered with Ranjangaon police station for the offence punishable under Section 302, 365, 201, 34 of the IPC. The submission of the learned counsel for the applicant is to the effect that his name is not mentioned in the FIR and there is no specific overt act attributed to him, but he has been implicated only on suspicion. The submission is that the case is based on circumstantial evidence and since the investigation is complete and charge-sheet is filed, his further detention is unnecessary.

2 With the assistance of the learned counsel for the Applicant and the learned APP, I have perused the charge-sheet.

Tilak

On 11th March 2020, one Akshay Nawale lodged a complaint about his father Dadabhau Bhausaheb Nawale, aged 51 years, going missing from 10th March 2020. He attempted to establish contact with his father on mobile but the same was switched off. When he inquired about his father in the village, one Ramesh Nawale informed him that at 6.45 p.m, when he arrived near the lake, two persons by name Vinod Jadhav and Sunil Jadhav had driven his father in an unnumbered black colour Alto car. This resulted in invocation of offence under Section 365 read with Section 34 of the IPC against two named accused persons Vinod Jadhav and Sunil Jadhav. The dead body of the victim came to be recovered from the river bed shown by the co-accused. The post mortem report opined the cause of death as “irreversible Haemorrhagic shock due to head injury with Internal bleeding in thorax”.

When the accused persons in whose company the deceased was seen last were arrested and their remand was sought, the name of the applicant surfaced on record. The applicant led to the discovery of chappal belonging to the deceased which had remained in the vehicle and was thrown by him in one ditch. Another incriminating material against the present applicant is the CCTV footage extracted from the CCTV camera fitted in front of Karegaon Gram Panchayat Office. The camera recorded the happenings from 18.53 to 18.54 on 10th March 2020. One

black colour Alto Car is seen to have halted on the road proceeding towards Masjid from Pune – Ahmednagar Highway road and from the driver seat of the car, one person wearing white colour shirt and black colour pants is seen getting out. The said person was identified by the complainant as Vinod Jadhav. Two other persons are seen alighting from the car out of whom one person is wearing white T-shirt with green stripes and the said person is identified as ‘Sunil Jadhav’, whereas the other person is wearing white and purple T-shirt who is identified as the present applicant Chetan Jadhav. The said three persons started proceeding towards Masjid and they are seen returning back with one person wearing white full shirt and black pant, who is identified by the complainant to be his father Dadabhau. Thereafter, Vinod is seen in the driving seat and the deceased is seen seated next to him. On the back seat, Sunil Jadhav and Chetan Jadhav are seated. The said car is seen proceeding on the Ahmednagar Highway Road towards Pune, being driven on the wrong side.

3 Learned counsel for the applicant submit that the said evidence do not implicate him as the second person in the car is told to be Chetan Jadhav by the PI and therefore, he is identified. The applicant cannot take advantage of the said fact and it is not relevant who has identified him since in the CCTV footage he is seen in the company of Accused nos.1 and 2 with the deceased

Dadasaheb and he accompanied them in the car. This evidence is in form of the last seen alive evidence. Thereafter, the deceased did not return and his body was found on the next day. The evidence compiled in the charge-sheet is in form of circumstantial evidence but the two incriminating circumstances against the present applicants, he being spotted in a CCTV footage in the company of accused nos.1 and 2 in the Alto car which carried the deceased towards Pune and the second being the discovery of chappal of the deceased at the instance of the present applicant, point out to his indiction in the crime. The aforesaid circumstances in the charge-sheet do not permit his release on bail.

4 Application is rejected.

SMT. BHARATI DANGRE, J