

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**917 BAIL APPLICATION NO.96 OF 2022
WITH APPLN/464/2022**

**PRAVIN SHARAD BAMRE (PATIL)
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Deshmukh Sachin S.
APP for Respondents/State : Mr. G.O. Wattamwar
Advocate for Informant (Appln/464/22): Mr. Suresh Pidgewar h/f.
Mr. N.L. Chaudhari
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 1st March, 2022**

PC:-

Heard.

2. The informant is the uncle of Vijay Desale (since deceased). Applicant and deceased-Vijay Desale have land adjacent to each other. It is the prosecution case that applicant and Vijay Desale were not on good terms on account of land dispute.

3. On 17th April, 2021, Vijay Desale left the village and since then he went missing. On 18th April, 2021, informant lodged the missing report in the police station. On 20th April, 2021 dead body of Vijay Desale was found floating in the well of Narayan Patil who is the grand father of the applicant-

Pravin Bhamre Patil. Dead body was sent for autopsy. On receiving the report of autopsy, it was revealed that deceased died a homicidal death. Cause of death was shown to be head injury. Accordingly, offence was registered against unknown person under Section 302 of the I.P.C.

4. During investigation role of the applicant came to be discerned. The evidence in the nature of CCTV footage was collected which indicates that applicant was seen along with the vehicle of the deceased-Vijay Desale. Accordingly, charge-sheet came to be filed against the applicant.

5. Learned counsel Shri Deshmukh submits that there is no evidence connecting the applicant with the offence. He submits that applicant had no motive to kill the deceased-Vijay Desale. Prosecution has come up with a case of land dispute as the motive. However, no civil dispute is pending in any civil court or before any other forum. He submits that there is evidence of only extra judicial confession that too during conversation with his brother Rajendra Patil on mobile. He submits that extra judicial confession itself is a weak type of evidence on which reliance cannot be placed. Learned counsel Shri Deshmukh further submits that the weapon recovered is a screw driver. Medical Officer has opined that the stab wound is not possible because of the screw driver. He submits that at the most it will be a case under Section 304-A of the I.P.C.

6. Learned APP opposes the application for bail.

7. On perusal of the charge-sheet, it is seen that cause of death is head injury. Weapon recovered is stone. Medical Officer has opined that head injury is possible because of stone and death was caused because of head injury only. Therefore, opinion of the Medical Officer that stab wound is not likely to be caused because of screw driver will have no relevance at this *prima facie* stage.

8. Transcript of conversation between applicant and his brother Rajendra Patil is produced on record. This conversation happened soon after the incident on cell phone. It shows that applicant had caused murder of the deceased. Statement of Rajendra Patil shows that applicant had confessed to have killed the deceased. There is evidence of last seen theory . Statement of witness-Karbhari Pawar shows that he sells liquor and on 17th April, 2021 applicant and Vijay Desale had been to his shop for drinking liquor. Post mortem was performed on 20th April, 2021 and the report shows that the body was decomposed. Therefore, the time of death also matches. After causing head injury to the deceased, the applicant threw the dead body of the deceased-Vijay Desale in the well just to create a scene that the death was suicidal one. In this view of the matter, I am not inclined to release the

applicant on bail. Hence the following order is passed:

ORDER

- I) Application is dismissed.
- II) Application for assist to APP is also disposed of.
- III) These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]