

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 224 OF 2022

Dhammajit Ramesh Chikate

Applicant

Versus

The State of Maharashtra

Respondent

Mr. S. J. Salunke, Advocate for the applicant.

Mr. A. V. Deshmukh, APP for respondent/State.

CORAM : M.G. Sewlikar, J.

DATE : 14th MARCH, 2022.

PER COURT :

1. Heard.

2. Informant is the son of deceased Laxman Rupchand Umbare. The deceased was having a two wheeler bearing No. MH 21 BF 5262. on 13th May, 2021, at 1.30 pm, he received a phone call from his friend Anil Tirukhe that the said two wheeler was parked at a mine near RTO office. When he went there, he found his father lying in prone position in injured condition. Blood was oozing from his head. He lodged First Information Report on the basis of which, offence came to be registered against an unknown person under

Sections 302, 404, 406 read with Section 34 of the Indian Penal Code.

3. During investigation, it was revealed that the deceased was a labour contractor. There was some dispute between the applicant and the deceased on account of money. It was further revealed that two eye-witnesses had seen the applicant and one more person by the name of Jitendra Adsul were beating one person near a closed room. Thereafter, they dragged him behind the closed room.

4. Shri Salunke, learned counsel for the applicant, submits that after 35 days, statements of two witnesses posing themselves to be eye-witnesses, came to be recorded. From their statements, it is seen that they had seen two known persons beating one unknown person. He submits that on this hazy evidence, it cannot be said that applicant was the author of the crime.

5. Charge-sheet is filed. On perusal of the charge-sheet, it is seen that witness Kartik Rustamrao Walke and Parmeshwar Subhash Ekhande had seen two persons beating one person near a closed room and they dragged him behind that closed room and fled

on motorcycle. Identification parade was held in which both the applicants have been identified by both these witnesses. Spot panchanama reveals that dead body was lying behind a closed room. PM report shows that deceased had a fracture on head. All these circumstances clearly show involvement of the applicant in the alleged offence. I am, therefore, not inclined to release the applicant on bail. Hence the following order :-

ORDER

Application is rejected.

(M. G. SEWLIKAR)
Judge

dyb