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

BAIL APPLICATION NO.1626 OF 2022

RAMDAS KUDLIK ZUNGRE
VERSUS
THE STATE OF MAHARASHTRA

Mr. S. J. Salunke, Advocate for applicant;
Mr. A. A. Jagatkar, A.P.P. for respondent

CORAM : S. G. MEHARE, J.

DATE : 21th December, 2022

PC.

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. Learned counsel for the applicant would submit that the prosecution has no evidence except recovery of the articles at the instance of the applicant. The statement of the Goldsmith does not match with the alleged date of purchasing the golden ring. The wife of the deceased has stated nothing against the applicant. Her statement is hearsay. The golden ring allegedly purchased by the deceased and recovered from the applicant has not been confirmed from the Goldsmith. The applicant and the deceased had no good terms. Hence, the story put-forth by the prosecution that two days before the incident, the applicant and the deceased were sitting together in the house, is false. The applicant has no concern with the incident. The prosecution has no material to prove the chain of

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circumstances. The applicant has no antecedents to his discredit. The investigation has been completed. Hence, he may be granted bail.

3. The learned A.P.P. has strongly opposed the application. He would argue that the prosecution has the witness who saw the deceased lastly in the company of the applicant. The recovery of the jewellery box of the Goldsmith from whom the gold ring was recovered, is a strong evidence. The articles recovered at the instance of the applicant under Section 27 of the Indian Evidence Act, is an incriminating evidence against the applicant. The wire allegedly used to strangle the deceased has also been recovered at the instance of the applicant. Considering the statement of the witness seeing the deceased lastly in the company of the applicant and the recovery of the articles, the prosecution has a strong case. The deceased was killed for treasure trove. The applicant has also played black magic on the deceased. The way of committing the crime is heinous and terrified. The offence is serious.

4. Perused the chargesheet. The prosecution has the evidence of 'last seen together'. The recovery of the articles at the instance of the applicant corroborates the prosecution case. The wire recovered at the instance of the applicant also supports the prosecution case to believe that the applicant has played active role in committing the murder of the deceased. The offence is grave. In that view of the matter, the application stands dismissed.

(S. G. MEHARE, J.)

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