

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.646 OF 2021

Grijesh Vasudeo Singh Applicant
Versus
The State of Maharashtra Respondent

Mr. Bilal Chougule, Advocate for the Applicant.
Smt. A.A. Takalkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 25th JANUARY, 2022
[Through Video Conferencing]

P.C. :

1. The applicant is seeking his release on bail in connection with C.R.No.90/2018 dated 4.5.2018 registered at Wagle Estate police station, Thane under Sections 302, 201 read with Section 34 of the Indian Penal Code. The applicant was arrested on 13.9.2018 and since then he is in custody. The investigation is over and the charge-sheet is already filed.

2. Heard Mr. Bilal Chougule, learned counsel for the applicant and Smt. A.A. Takalkar, learned APP for the State.

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3. The FIR was lodged by one Sudhir Shirsat. He has stated that on 4.5.2018, when he was going to his site in Bush Company, his Supervisor Imran told him that there was something suspicious kept in the gunny bag under a tree near the gate. The informant went there, he saw stains of blood on the gunny bag. He immediately called the police. The police came there and opened the gunny bag. A dead body was found kept in that gunny bag. His face was damaged with some inflammable substance. The shirt was stained with blood. The offence of murder was clearly seen from the position of the dead body. On this basis, the FIR was lodged.

4. The investigation was carried out. The prosecution case which is revealed from the investigation is that the applicant had taken a grinding-machine worth Rs.3,50,000/- from the deceased Shegar Pilley. The grinding machine was used by the applicant in a gala at Wagle Estate. The applicant did not pay the price for that machine and on that ground there used to be frequent disputes between the deceased and the applicant. The co-accused Pramodkumar Gupta was

helping the applicant in his business and he also was quarreling with the deceased. Between the night of 2nd May and 3rd May, 2018, the applicant and the co-accused Gupta committed murder of the deceased Shegar Pilley by strangulating him with a nylon rope. They put his body in the gunny bag and kept it at the place where it was found.

5. Learned counsel for the applicant submitted that the applicant had no enmity with the deceased. There is no direct evidence in the form of eye witnesses. The circumstances are weak. The investigation is over and, therefore, bail should be granted to him.

6. Learned APP opposed this application and relied on some important circumstances from the investigation carried out so far.

7. I have considered these submissions. The postmortem notes show that the postmortem was conducted on 4.5.2018 at about 5:00 p.m.. The body was decomposed and the opinion was reserved for viscera report. After the

viscera report, no poison was found. The lungs were found congested odematous.

8. The important piece of evidence in this case is the extra-judicial confession made by both the accused to one Advocate Omprakash Singh. This Advocate was handling a civil case of the co-accused Pramodkumar Gupta. On 3.5.2018 the co-accused Pramodkumar Gupta had a telephonic conversation with this witness. At that time, even the applicant separately talked with this witness. Both the accused told him that they had committed murder of the deceased by strangulation and that they had kept the dead body in a gunny bag and had put it near a factory. Thus, there is a extra-judicial confession made by the applicant.

9. Apart from that there is a statement of one Solanki from whose shop the applicant had purchased a nylon rope, which was used in committing the murder. The shop was shown by the applicant himself. His statement was recorded under Section 27 of the Evidence Act.

10. There is a statement of one Santosh Yadav, who had seen the applicant and the co-accused Pramodkumar Gupta taking away something in a gunny bag at 3:00 a.m. on 4.5.2018. This was an odd time and it supports the prosecution case that the applicant and the co-accused had taken the dead body in the gunny bag and had kept it in a factory.

11. All these circumstances do form a chain strong enough to point towards the guilt of the applicant. The offence is serious and, therefore, no case for grant of bail is made out. The application is rejected.

(SARANG V. KOTWAL, J.)

Deshmane (PS)