

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3551 OF 2021
ALONGWITH
INTERIM APPLICATION NO.2573 OF 2022
IN
BAIL APPLICATION NO.3551 OF 2021

Deepak Suresh Mahakal	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Ms.Akshata Desai i/b Nitin Sejpal for the Applicant.

Ms.Sandhya M. i/b Anil Joshi for the Intervenor.

Mr.S.V. Gavand, APP for the State.

PSI S.B. Sangave, Kalva Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 29th SEPTEMBER, 2022.

P.C.

1] The learned APP has placed on record report of the forensic analysis of the clothes of the deceased and that of the Applicant. The clothes of the deceased which came to be seized vide Panchanama on 01.01.2021 when the body was forwarded for postmortem include his full night pant, half T shirt, one banian and an underwear. The said clothes were forwarded for analysis by the PI with forwarding letter.

As far as the present Applicant is concerned, there is Muddemal Panchanama drawn under Section 27 of the Indian Evidence Act which

led to one Jeans full pant and one blue colour shirt. The Panchanama reveal that the clothes were discovered at the instance of Applicant from the bed in the house where they were kept in a plastic carry bag.

2] The clothes of the Applicant which were also forwarded for analysis in the form of Exhibit D-1 and D-2, are found to be smeared with blood group A.

Blood group of the deceased was ascertained from the scalp hairs which had blood stains and which were seized during the course of investigation and report of analysis dated 19.09.2022 establish that the blood group was A.

3] The learned counsel for the Applicant has submitted that the case of prosecution is based on circumstantial evidence and argument was advanced that merely because witness had given statement that he had seen a person with stone passing through the lane where the deceased was staying, it will not be sufficient to connect the Applicant with offence of murder.

4] However, in the light of Chemical Analysis Report placed before me, which is taken on record and marked as X-for identification, Application is rejected. Interim Application is disposed off.

[BHARATI DANGRE, J]