

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION (BA) NO. 96/2022
(Mr. Shankar Ganpatrao Dhoke Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. B. B. Sone, Advocate for applicant.
Ms. S. Haider, APP for non-applicant/State.

CORAM :- AVINASH G. GHAROTE, J.

DATED :- 04.03.2022

1. Heard Mr. Sone, learned counsel for the applicant and learned APP for the State. The applicant has been arrayed for the offence under Sections 302 and 201 of the Indian Penal Code. The incident is alleged to be dated 09.11.2020, the FIR has been lodged on 10.11.20 and the charge-sheet has been filed on 05.02.2021.

2. Mr. Sone, Learned counsel for the applicant submits, that applicant has been falsely implicated, there are contradictory statements of the mother of the deceased and one Zalke regarding the hand loan. In the affidavit for release of the vehicle on Supratnama, the mother of deceased has stated that the deceased passed away due to an accident. There are no eye-witnesses and the applicant has been roped him only on the basis of a last seen theory. He therefore, submits that the applicant

needs to be enlarged on bail as he has been falsely implicated.

3. Learned APP opposes the application and submits that the last seen theory, is substantiated by the CC-TV footage and the statements of Charndas, Gaikwad, Sangeeta Nikose and Pundlik. She further submit that there is recovery of the motorcycle belonging to the deceased from the applicant.

4. Having heard the respective learned counsel for the parties, though this is a case based upon last seen theory, the same is duly substantiated by the CC-TV footage as well as the statements of Charndas, Gaikwad and Sangeeta Nikose and Pundalik,. That apart, there is disclos statement under Section 27 of the Code of Criminal Procedure by the applicant, under which the motorcycle belonging to the deceased has been recovered from the applicant. Though there are minor variations between statements of mother of the victim and Zalke regarding the hand loan received by the applicant, at the assurance of the deceased, that by itself cannot be a ground to release the applicant on bail. Thus, having examined the material as well as the charge-sheet, I do not consider, that this is a fit case to release the applicant on bail, based upon the material available on record. The application is therefore rejected.

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(AVINASH G. GHAROTE, J)