

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1725 OF 2022

DNYANESHWAR @ BHAIYYA SHIVAJI GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondent : Mr. K. S. Patil
...

CORAM : S. G. MEHARE, J.

DATE : 25-01-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.

2. The applicant has been arraigned as an accused of the offence of murder. It has been alleged that the deceased was seen lastly in the company of deceased and it was captured in the CCTV footage. Thereafter, the deceased disappeared. On the report, investigation was started. It was transpired that the applicant took deceased in his own shop and committed his murder with scissor. The postmortem report also reveals that there were injuries over the neck likely to be caused due to scissor. The Investigation Officer also arrested the co-accused. The co-accused have narrated the incident under Section 27 of the Indian Evidence Act.

3. The learned counsel for the applicant has vehemently argued that the statement of the co-accused are inconsistent. There is no strong evidence against the applicant. He read the first information report and supplementary statement of first informant. He would point out that in the morning on the same day, the deceased met with an accident. Hence, few persons left him at his home. However, due to accident, he could not drive the bike, hence, he went with the applicant to his shop. The applicant had dropped him to his shop. The motive in the case is missing. The investigation has been completed. Nothing is to be recovered from the applicant. He may be granted bail.

4. The learned A.P.P. has strongly opposed the application. He would argue that there is circumstantial evidence against the applicant. The applicant was lastly seen in the company of the deceased. The applicant has shop nearby the hospital in which the CCTV footage, the applicant and the deceased were captured. The article scissor has been seized. The spot panchnama of the shop of the applicant reveals scattered blood stain. The deceased was immediately killed after his leaving home. These are the strong circumstances against the applicant to complete the chain of circumstances. The offence is serious. Hence, he does not deserve the bail.

5. Perused the chargesheet.

6. The strong evidence against the applicant is last seen in the company of the deceased. He has a shop nearby the hospital in which CCTV footage, the applicant and the deceased were captured. The bloodstains were found in the shop of the applicant is the another circumstances against him. The injuries suffered by the deceased matches with the alleged weapon used in the crime. The weapon i.e. scissor has also been seized. There are strong circumstances against the applicant to believe that the applicant has been involved in the serious crime of murder. Considering the gravity of the offence and the circumstances of case, the Court is of the view that the applicant does not deserve bail. Hence, the application stands dismissed.

**(S. G. MEHARE)
JUDGE**

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