

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

BAIL APPLICATION NO.1866 OF 2023

ROHAN PRAKASH JADHAV
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Vilas P. Savant, Advocate for the Applicant.
Mr. K. S. Patil, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 06th NOVEMBER, 2023.**

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.87 of 2023 registered with Beed Rural Police Station, District Beed for the offences punishable under Sections 302 r/w 34 of the Indian Penal Code.

2. The investigation was set in motion on the basis of the information given by the father of the deceased i.e. Rajendra Baburao Madkar, who states that on 11.04.2023 the accused took his son on motorcycle. Up till evening his son did not return back. Thereafter, he came to know that dead body of his son is laying near Pail (Bindusara Dam). In pursuance of the aforesaid information, Crime No.87/2023 came to be registered against the accused persons. The applicant has been arrested on 12.04.2023. The investigation progressed. The charge-sheet came to be filed. Even, case is committed to the Sessions Court, yet charge is not framed.

3. Mr. Savant, learned Advocate appearing for the applicant would submit that the case of the prosecution is based

on circumstantial evidence. The informant states about last seen together. However, there is no clinching evidence to bring home guilt against the applicant. He would submit that the applicant is behind the bar for more than six months. The investigation in the matter is complete. There are no criminal antecedents. Mr. Savant would also submit that since the dead body of the deceased was found abutting to the road, possibility of accident by motor vehicle cannot be ruled out. The injuries found on the person of the deceased are possible by motor vehicle accident. He would also point out that the yellowish liquid was found in the stomach of the deceased smelling like alcohol, which suggests that he was under influence of liquor. Hence, the applicant be released on bail.

4. Mr. Patil, learned APP vehemently opposes the prayer for grant of bail. He would invite attention of this Court to the statement of one Laxman Ghadge, who witnessed while applicant was beating deceased Akshay at parking of Hotel Baliraja. He tried to separate the quarrel, however accused persons threatened him. Thereafter, all three persons including deceased left the place on their motorcycle. While leaving the place, they were shouting aloud. Mr. Patil would invite attention of this Court to the postmortem report depicting number of injuries on the person of the deceased and cause of death is shown to be head injury. He would submit that the incident at Hotel Baliraja is also recorded in CCTV. Even, blood stained clothes of the accused are recovered.

5. Having considered submissions advanced, it is apparent from the contents of the FIR that there was previous dispute between the deceased Akshay and applicant Rohan Jadhav. It is alleged that the applicant had committed theft of

mobile instrument. Informant and deceased made attempt to file complaint with police station in this regard, however the dispute was settled. Hence, complaint was not lodged.

6. Pertinently, on 11.04.2023 at about 11.00 am accused took deceased Akshay on his motorcycle. Thereafter, Akshay never returned back and his dead body was found near dam. After arrest of the applicant, statement of witness Laxman Ghadge was recorded, who has seen the applicant beating the deceased in the parking of Hotel Baliraja, which is near the spot where dead body of Akshay was located. Pertinently, there is CCTV footage, wherein such incident has been recorded. Thereafter, the applicant carried Akshay at some distance on the motorcycle and his dead body was located. There is recovery of blood stained clothes at the instance of the applicant.

7. The chain of circumstances *prima facie* established that the applicant is assailant and responsible for the death of the victim Akshay. Perusal of the postmortem report shows that severe injuries are noted on the person of the deceased. The cause of death is also shown as head injury. The spot panchanama would show that the dead body was found at some distance from the road. Therefore, the submission regarding possibility of accidental death cannot be accepted at this stage. The case is already committed to the Sessions Court at Beed. The trial itself can be expeditiously disposed of. In that view of the matter, no case is made out for grant of bail. Hence, Bail Application stands rejected.

(S. G. CHAPALGAONKAR)
JUDGE