

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 578 OF 2022

Santosh Nivrutti Parit

... Applicant

V/s.

State of Maharashtra

... Respondent

.....

Mr. Shailesh Chavan a/w. Mr. Prashant Kamble, Advocate for Applicant.

Ms. Anamika Malhotra, APP for Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 11th SEPTEMBER 2023

P. C:-

1. By this application, Applicant is seeking bail in C.R.No. 48 of 2021 registered with Rajarampuri Police Station, Kolhapur for the offence punishable under Sections 302, 201, 364, 397 of Indian Penal Code, 1860 (for short "IPC").

2. It is the prosecution's case that on 10.02.2021 on the ground of Shivaji University the parts of female body were found. In investigation, it was revealed that the body parts were of Shantabai Aagale. It is alleged that, Applicant was working as a Gardner in Rajlaxmi Empire Apartment and he had demanded Rs.10,000/- from

deceased which was denied by her. Due to anger, on 05.02.2021 Applicant took the deceased with him saying that there was a function in his house at Takala. After taking her to his house Applicant killed her and removed all jewellery from her body, thereafter cut the body of deceased into pieces and for destroying the evidence, the lower part of the body from the waist down, one hand thrown on the Shivaji University's ground, near Rajaram Talav.

3. It is the contention of learned Counsel for the Applicant that the prosecution's case is based on circumstantial evidence. Applicant has been falsely implicated in this case. It is alleged that the gold ornaments of the deceased are recovered at the instance of Applicant but said disclosure statement is suspicious. Applicant is behind the bar more than 2½ years. Hence, requested to allow the Application.

4. It is the contention of learned APP that, Applicant was knowing deceased. He took her with the false promise that, he is going to attend one function and killed her in his house. Applicant took out the gold ornaments which she was wearing. The said gold ornaments were recovered at the instance of Applicant. Applicant had pledged those gold ornaments at Bajaj Finance and Shriram

Finance and obtained some amount which shows his involvement in the crime. Hence, requested to reject the Application.

5. I have heard both the learned Counsel.

6. Perused the FIR and charge-sheet. The witness Sudhakar Mane, Security Guard of Applicant's Apartment where Applicant stays, states that on 05.02.2021, Applicant had come on his Activa and thereafter one auto-rickshaw followed him and from that auto-rickshaw one old lady got down. Applicant paid fair of auto-rickshaw. This witness asked Applicant who is that lady, Applicant told him she is his relative. It shows deceased was last seen with Applicant.

7. The witness Ganesh Bhosale, Manager of Shriram City Union Finance Ltd., Gold Loan Department states that on 06.02.2021, Applicant had come in their finance office and pledged one gold ornament and took the loan of Rs.20,100/-. It appears from the record that some gold ornaments were pledged in Shriram City Union Finance Ltd. and Applicant sought loan on it.

8. Witness Mr. Prakash Jathar, auto-rickshaw driver in his statement has stated that on 05.02.2021, one person stopped his auto-rickshaw and asked him to take that old lady in his auto-rickshaw. The said person asked him to take auto-rickshaw behind

his activa. The said old lady was wearing gold ornaments. Thereafter, this witness followed Activa of Applicant and went in the Apartment of the Applicant.

9. From the statement of witnesses, it appears that there is *prima facie* case against the Applicant.

10. In view of the above, I pass following Order:

(i) Application is dismissed.

(SHIVKUMAR DIGE, J.)