

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2409 OF 2021**

Shrikant Ramdas Bhosale	...Applicant
vs.	
State of Maharashtra	...Respondent

Mr. Vaibhav R. Gaikwad with Mr. Athana Bhigardave with Yash M. Naik for the Applicant.

Mr. H. J. Dedhia APP for the Respondent-State.

Mr. B. R. Sable, Phaltan Taluka police station present.

CORAM : S. M. MODAK, J.

DATED : 19TH JULY 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.

2. The Officer is present. The present Applicant is husband of one Gauri, whereas his father-in-law is Dayaram Atmaram Gaikwad, who is resident of village Kheradi, Taluka Khadegaon, District Sangli.

His one daughter is Kajal, whereas another daughter Gauri is married to present Applicant in 2015. The Applicant faces the charge-sheet for committing murder of Pooja. The Applicant was intending to marry with her.

3. The deceased-Pooja went missing from her house at village

Khadegaon from 19th June 2020. Her father has lodged missing complaint with the Nevari police station. She was not found alive. Her dead body was found on 1st July 2020, in the well situated near Nalla, in the field of one Shankar Dhamal. It is situated within limits of village Vajegaon, Taluka Phaltan. It was informed to police Patil Mr.Samadhan Kanaskar and in turn, he lodged complaint with Phaltan Rural police station. It is registered as an offence under Section 302, 201 read with 34 of IPC against unknown persons.

4. During investigation, the present Applicant came to be arrested on suspicion. The prosecution relied upon the following materials :

- (i) Statement of Kajal Gaikwad, who is sister of the deceased, who has narrated that Pooja left house on 19th June 2020, and how she stayed with the Applicant at Bhirdevnagar Jadhavwadi, Taluka Phaltan and then to Kheradi.
- (ii) There is statement of Priyanka Mohite, page 137, who is neighbor of the deceased and the Applicant at Bhirdevnagar Jadhavwadi. She has explained how the quarrel used to take place between both of them.
- (iii) There is statement of said Priyanka Mohite recorded under Section 164 of the Code of Criminal Procedure. She has stated

how the Applicant used to lock door of the flat by detaining deceased inside the flat. She has also explained how quarrel took place between them on one occasion.

- (iv) There is statement of landlord Manojkumar Ashok Aadke (page 139). He says that he has let out the flat to the Applicant and on 27th June 2020, the Applicant left the said flat. The dead body was found on 1st July 2020.
- (v) There is statement of Sachin Jadhav (page 135), who is friend of the Applicant. He has stated how the deceased and the Applicant initially stayed at Birobanagar Jadhavwadi and then at Khairadi. He has also stated how the Applicant killed the deceased and transported dead body from his tempo, but this is all hearsay and he is not having personal knowledge.
- (vi) There is post mortem report at page 64. The opinion cannot be arrived at, as the dead body is in decomposed state and viscera is preserved. Till today, there is no concrete material about the cause of death.

5. Learned Advocate Mr. Gaikwad submitted that there are missing link in this case and he relied upon the judgment in case of

Shankar Vs. State of Maharashtra¹. He submitted that the father-in-law is not having grievance and he has filed affidavit before the learned Additional Sessions Judge, however, it was rejected and rightly so.

6. Even though it is true that there are circumstances which suggest that the Applicant and deceased at some point of time stayed together but from Bhirdevnagar, Jadhavwadi they went to Kherdai, in respect of that there is no material. Furthermore, the information by the friend Sachin Jadhav of the Applicant is hearsay. There is no material to show that tempo was used while carrying dead body. If the case is based on circumstantial evidence, it is difficult to collect the material. It is absent in this case. So further detention is not warranted. Hence, the following order is passed:

O R D E R

- (a) The Applicant-Shrikant Ramdas Bhosale be released on bail in connection with C.R. No.372 of 2020, registered with Phaltan Rural police station, Taluka Phaltan, District Satara for the offences punishable under Sections 302, 201 read with 34 of IPC, on furnishing personal bond and surety bond of Rs.25,000/-.
- (b) The Applicant shall not threaten the prosecution witnesses

¹ 2023 Live Law (SC) 212

or allure them in any manner.

- (c) The Applicant shall cooperate with police as and when required and shall attend the trial Court punctually.
- (d) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail, after notice to the Applicant.

7. Application is disposed of accordingly.

8. These are my prima facie observations and the trial Court may not be influenced by that.

9. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]