

SATISH
RAMCHANDRA
SANGAR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3466 OF 2022

Digitally signed by
SATISH RAMCHANDRA
SANGAR

Date: 2023.02.23
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Mr. Rukshad Karimul Raza Salmani
Age : 23 Years, Occupation : Hair Dresser,
Rajapur, Madhilwadi, Near Thakur Bakery,
Taluka : Rajapur, District : Ratnagiri. ... Applicant

Versus

The State of Maharashtra
(At the instance of Rajapur
Police Station) ... Respondent

Mr.Moinuddin M. Khan, Advocate for the Applicant.
Mr.Y.Y.Dabke – APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 22nd FEBRUARY, 2023

P. C. :-

1. Heard learned Advocate Shri.Khan for the Applicant and learned APP Shri.Dabke for the Respondent-State.
2. The Applicant is accused of committing murder of his colleague by causing head injuries to him. Both, the deceased Rajesh Chavan and the present Applicant were working in a saloon belonging to one Shahabaz Khalife at Rajapur, District : Ratnagiri. The deceased Rajesh went missing from the evening of 7th March, 2022. He did not return and hence, his brother Santosh Chavan lodged a missing complaint with Rajapur Police Station. On the basis of tower location of the mobile of the deceased, Police came to know that the location is near Rantale.
3. On enquiry, the Police found the dead body at about 6.45 p.m. It was belonging to the deceased and that is why, the FIR is lodged by the

brother on 8th March, 2022 under Sections 302, 201 of the Indian Penal Code, 1860 [“IPC”].

4. On suspicion, the Applicant came to be arrested. The Bail Application was rejected by the trial Court. The case is based on circumstantial evidence. According to learned Advocate for the Applicant, there are serious lacunae in the investigation. It is contended that if the Applicant has murdered the deceased in the intervening night, then why he has attended the job on 8th March, 2022. Certain lacunae like not obtaining finger prints on the stone found at the spot and not mentioning worn golden chain by the deceased when the missing complaint was filed. In the arrest memo, the place of arrest is not shown.

5. As against this, learned APP pointed out to me various circumstances and according to him, it establishes the chain. There is a statement of the wife of the deceased. There is a statement of owner of the saloon. When the Applicant attended the duty on 8th March, 2022, he was restless as per the statement of the owner. There is also a statement of manager of the saloon to that effect. The Applicant and the deceased purchased samosas on 7th March, 2022 at about 7.30. They purchased it independently. However, there was some talk about who will pay the money. There is a statement of the liquor bar owner mentioning that on 7th March, 2022 at 8.00 p.m., the deceased purchased liquor. From the spot, the liquor bottle is seized.

6. There are two more incriminating circumstances. The CDR of the deceased and Applicant points out the tower location at Rantale, wherein, the dead body of the deceased was found. At the instance of the Applicant, golden chain and silver chain were recovered and they were identified by wife of the deceased as belonging to the deceased.

7. There may be certain lacunae in the Prosecution evidence but they

cannot be considered at this stage. The tower location and recovery of chain at the instance of the Applicant are the most important circumstance which rule out all other possibilities. No case is made out. Hence, Application is rejected.

8. It is made clear that these are my prima facie observations and the trial Court need not be influenced by these observations.

9. Application is disposed of in the aforesaid terms.

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

(S. M. MODAK, J.)