



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 240 OF 2023

PRAMOD MUDRIKA PANDEY

..APPLICANT

VS.

STATE OF MAHARASHTRA

..RESPONDENT

Ms. Shubhangi Parulekar, for the applicant.

Mr. N. B. Patil, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 05, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under section 302 of the Indian Penal Code, 1860 registered on 14/04/2022 vide C.R. No. 159 of 2022 with Ranjangaon, MIDC Police Station, Pune Rural.

3. The incident happened between the night of 12/04/2022 and 13/04/2022. 4 friends were playing cards in a agricultural field under a tree. This included the applicant and the deceased. Since it was past midnight, 2 of the friends left for home leaving behind only

the applicant and the deceased. On the next day, one of the friend noticed that the victim was lying dead under the tree where they were playing cards. Later on the police was informed. The cause of death is irreversible haemorrhagic shock due to head injury from assault due to hard and blunt object. The applicant was last seen in the company of the deceased. Learned counsel for the applicant submitted that the case of the prosecution rests entirely on circumstantial evidence. It is submitted that if the applicant's clothes were blood stained, the same would have been noticed by the witness-Vikas Ramprasad Kharwar whose statement is recorded at page no. 61, as the applicant was staying with him. It is further submitted that there is no motive to commit the crime. Learned counsel submitted that this is a clear case of false implication and there are no materials to support the accusations made by the prosecution. It is then submitted by learned counsel that chemical analysis report is awaited.

4. Learned APP opposed the application. Heard. There is recovery of blood stained clothes at the instance of the applicant. There is also recovery of mobile phone, sim card and bike which belonged to the deceased at the instance of the applicant. As

highlighted from the statement of the witnesses, the conduct of the applicant post incident raises suspicion. The applicant was last seen in the company of the deceased. Suffice it to observe that prima facie, the materials on record appearing against the applicant do not justify enlargement of the applicant on bail. The application is rejected. Liberty to apply for bail after the chemical analysis report is available.

(M. S. KARNIK, J.)