

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

CRIMINAL BAIL APPLICATION NO. 1527 OF 2022

Akshay Bhausahab Waghmare ...Applicant

vs.

State of Maharashtra ...Respondent

Mr.Tushar Sonawane – Advocate for Applicant.

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

CORAM : S. M. MODAK, J.

DATE : 6th JUNE, 2023

P. C. :-

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

2. There are two charge-sheeted Accused. One is the present Applicant and another is Uday Umesh Shinde who is juvenile offender. They are charged for committing a murder of their friend Kum.Soham Eknath Bajage.

3. The case is based on circumstantial evidence. The motive attributed is they are in need of money and deceased Soham was wearing a golden chain. The incident took place on 14th July, 2021. Soham was called from his house. He went down stair. Initially, the

juvenile Accused Bablu called him. Thereafter, the present Applicant again called the deceased Soham from the mobile of the witness Dixit Gode who is also their friend. Soham came down and he had a chit chat with two Accused persons and thereafter, they went towards one building. Afterwards, the relatives of Soham tried to search him but he was not found. This is a statement of the witness Dixit Gode (Page No.97). So also, there is a statement of Rasika who is the sister of deceased Soham. It is more or less on the same line.

4. The FIR is lodged by Kalpana Bajage who is mother of the deceased. During the search, Soham was found lying in a room which is on the ground floor. It was unused room. Soham was lying there motionless. There was ligature mark over his neck. The golden chain was found missing. Accordingly, complaint was lodged against these Accused persons with Padgha Police Station – Thane on 15th July, 2021 and it is registered under Sections 302, 394, 201 read with 34 of Indian Penal Code, 1860 [“IPC”].

5. The present Applicant came to be arrested on 15th July, 2021.
Against him, following are the circumstances :-

- (a) Applicant was found chit-chatting with the deceased earlier to happening of the incident on 15th July, 2021.

- (b) There is a recovery of chain from the jeweller whose statement is there on Page No.106.
- (c) Furthermore, there is a memorandum statement of the present Applicant wherein he has shown a shop of the jeweller to whom, he has sold that golden chain. On that date, the golden chain could not be recovered.
- (d) There is an extract of Bank statement thereby suggesting withdrawal of Rs.10,000/- on 15th July, 2021.
- (d). There is a pen-drive containing C.C.T.V, footages produced by the jeweller which depicts the movement of two Accused persons and other things.

6. According to learned Advocate Shri.Sonawane, the statement of the witness do not suggest that the deceased was in the company of the present Applicant. Furthermore, it is submitted that jeweller has stated in his statement that there are no records maintained by him to show purchase of a chain from the present Applicant. He also pointed out certain lacunae in the Bank statement.

7. Be that it may, all the materials shows the involvement of the present Applicant. They were friends and it seems that the deceased was murdered on account of a petty reason for money. Even though it may be true that the Applicant is also of young age, it is also the fact that the deceased of a young age has lost his life. So, at this stage, I am not inclined to grant him bail. If the trial will not start

within a period of one year from today, the Applicant is at liberty to apply for bail afresh.

8. These are my prima facie observations.

9. A copy of this order be sent to the concerned Court for information and necessary action.

10. If, the Applicant will apply afresh for bail, in that eventuality, the same be decided without being influenced by these observations.

Predominantly it will be on the ground of delay in start of the trial.

11. Application is disposed of in the aforesaid terms.

[S. M. MODAK, J.]