



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1407 OF 2024

ARJUN DADARAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Pralhad C. Bhagure
APP for Respondent : Mr. S. B. Pulkundwar
...

CORAM : S. G. MEHARE, J.
DATE : 30-08-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. The applicant seeks bail in C.R.No.6 of 2024 registered with Ambad Police Station, Taluka Ambad District Jalna, for the offences punishable under Section 302 and 201 read with Section 34 of the Indian Penal Code.
3. The prosecution has a case that the mother of the deceased lodged a missing report on 02.01.2024. Thereafter, the applicant who was working with the deceased took the brother of the deceased to a place where generally people do not go and find the dead body. The applicant and the deceased were captured in the C.C.T.V. footage at about 3.30 p.m., and thereafter, the deceased disappeared.
4. The prosecution has a case that the applicant had produced a mobile handset of the deceased, a stone and cotton wire for use

to strangle the deceased. The recovery, at his instance, corroborated the allegations. The prosecution has evidence of last seen together. The applicant has no reason to know the place where the dead body was lying as it was not freely accessible to the common man. That goes to show that the applicant knew that place.

5. The above were the arguments advanced by the learned A.P.P. with the help of learned counsel assist to the A.P.P.

6. The learned counsel for the applicant submits that a mobile handset and the cotton wire allegedly recovered at the instance of the applicant were from the dump yard. The mobile handset recovered does not match the IMEI number of the mobile of the deceased. There is a contradiction in the statement of the mother of the applicant about his leaving home. In the missing report, she stated that the applicant left the home alone at around 4.00 p.m. The applicant, being working with the deceased, has been arraigned as an accused only on suspicion. The disclosure under Section 27 of the Indian Evidence Act is silent about the place which the applicant wanted to show. /the material collected against him raises serious doubt about the accusations levelled against him.

7. In addition to the above arguments, the learned A.P.P. pointed out that the C.D.R., report shows that the applicant had contacted the deceased at around 3.31 p.m. The C.C.T.V., footage

shows that the deceased was driving a bike and the applicant was a pillion.

8. Perused the papers.

9. Though the mother of the deceased committed a mistake in narrating the fact that lastly, the deceased went with the applicant, the CCTV footage shows that the allegations against the applicant are that he and the deceased were together before the incident. Though, the arguments have advanced that the place from where the wire was recovered is a dumping yard, the contents of the first information report do not disclose the same. There is a substance in the submissions of the learned A.P.P. that in an ordinary course of life, he has no reason to know where the dead body was lying in a place where there is no free access to the commoner. The photograph reveals that there was considerable grass grown on the spot from where those articles were recovered. The prosecution has another circumstance that the applicant and the deceased had a last phone call at 3.30 p.m. Thereafter, the deceased disappeared. The cumulative effect of the evidence collected against the applicant is sufficient to believe a *prima facie* case against the applicant.

10. For the above reasons, the applicant does not deserve bail. The bail application stands dismissed.

(S. G. MEHARE)
JUDGE