

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1640 OF 2024

Rohit Bhalchandra Nikumbhe

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Warma Bharatkumar Ramdeo

APP for Respondent/State : Mr. A.S. Shinde

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CORAM : S.G. MEHARE, J.

DATED : OCTOBER 08, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.229 of 2024 registered with Shahada Police Station, District Nandurbar for the offences punishable under Sections 302, 201, 120-B r/w 34 of the Indian Penal Code.
3. The prosecution case in brief was that on 14.03.2024 at about 04.00 pm, the deceased left the home to purchase groceries, but he did not return. Therefore, missing report was lodged. The dead body was found on 16.03.2024 on Nandarde-Tarhavad road, which was burnt. It is a case of contract killing. The case is based upon circumstantial evidence. The circumstantial evidences against the applicant are that he was firstly captured in CCTV footage while

crossing the car in which other co-accused were sitting. Secondly, he was captured in CCTV footage on petrol pump along with other co-accused filling the petrol in a bottle. Those persons who were with him were also the co-accused and they were not the contract killers. The prosecution has a case that one bottle was recovered from the place where the body was burnt and it is the applicant, who had purchased the petrol to burn the dead body.

4. The learned counsel for the applicant would submit that the applicant was never in the company of the co-accused. He is the relative of one of the co-accused, who had a dispute with the deceased. The evidence collected against him is insufficient to prove his nexus with the crime. It is very common in a villages to purchase the petrol in bottle. Therefore, the evidence against him is not so strong to believe that he was the participant of the crime.

5. The learned APP has strongly opposed the application. He would submit that the conduct of the applicant was unnatural. He had no reason to purchase the petrol in bottle after filling the petrol in the vehicle. The applicant was seen first time before the murder nearby the co-accused particularly the contract killers, who were travelling in a car and secondly, he was captured in CCTV footage at petrol pump and the same bottle was used to purchase the petrol and a bottle was found near the dead body. He fairly conceded that there were no special identification of the bottle to believe at this juncture

that it was the same bottle in which the applicant had purchased the petrol.

6. Perused the papers. There is evidence of the presence of the applicant at two places. The applicant was not seen in the car when he was captured first time in the market. The only evidence purchasing the petrol cannot be weighed at this juncture as the prima facie evidence against the applicant. In ordinary course of nature, if the facts and circumstances of the case are considered in toto, firstly, the applicant was seen near the other co-accused and thereafter, he was seen purchasing the petrol. The dead body was burnt after the murder. The prosecution has a case that the deceased was murdered inside the hotel of the co-accused. The conduct of the applicant is suspicious and unnatural. Therefore, barely he is the brother of the co-accused, young boy, his age and no antecedents to his discredit and he is a student, are not the grounds to grant him bail. It is a case of contract killing. The contract killers were hired to eliminate the deceased. Similarly situated co-accused have been refused bail. The Court has no reason to take another view. Hence, the application stands dismissed.

(S.G. MEHARE, J.)