

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3494 OF 2023

Vaibhav Subhash Jagtap

Applicant

versus

The State of Maharashtra

Respondent

Mr.Veerdhaval Kakade, Advocate for Applicant.

Mr.Shreeram S.Chaudhari, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 4th July 2024

PC :

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.170 of 2021 registered with Lonand Police Station, District Satara, for the offences punishable under Sections 302, 201 of the Indian Penal Code r/w Sections 3, 25 of Arms Act.

3. Learned counsel for Applicant submits that the case is based on circumstantial evidence namely motive, recovery of mobile phone and Aadhar card of the deceased from the Applicant u/s.27 of Indian Evidence Act, blood stained clothes and last seen theory. It is submitted that whereas, there are contradictions and discrepancies in the statements of witnesses. He, therefore, submits that as the case is based on circumstantial evidence and considering the fact that Applicant is in jail from 12th June 2021, he may be released on bail.

4. On the other hand, learned APP strongly opposed the application and submits that offence is very serious and recovery from the Applicant in addition to motive is sufficient to connect the Applicant with the alleged offence. It is further submitted that there are statements of witnesses who support the prosecution's case of last seen. He accordingly prays for rejection of present application. Moreover, he points out that trial has commenced and in near future it will be concluded.

5. In the above referred backdrop and having considered the charge sheet it is apparent that there are statements of witnesses who have last seen the deceased with Applicant. In addition to this there is recovery of mobile phone and Aadhar card from the Applicant u/s.27 of Indian Evidence Act. Further clothes having blood stains are recovered. Importantly the motive has also come on record during investigation. Thus, in view of sufficient prima facie incriminating evidence available on record, besides the fact that trial has commenced, I am not inclined to grant bail. Accordingly application is rejected.

(ANIL S.KILOR, J.)

MST