

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

CRIMINAL BAIL APPLICATION NO. 373 OF 2024

Akash Santosh Devrukhe

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Sana Raees Khan, for the applicant.

Mr. S. M. Mangaonkar, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 26th AUGUST, 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. 232 of 2022, registered with Dattawadi Police Station, Pune, for the offences punishable under Sections 302 read with section 34 of the Indian Penal Code, 1860, Section 4/25 of Arms Act, 1959 and sections 37(1) read with section 135 of Maharashtra Police Act, 1951.

3) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that the whole case is based on the last seen theory and there is

eye-witnesses as well as CCTV footage, which support the case of the prosecution. Furthermore, there is a recovery of the motorcycle and clothes of the applicant having blood stains.

4) In the above-referred backdrop and the evidence collected by the Investigating Officer, the learned Counsel for the applicant submits that the clothes were recovered from the open place and therefore it is not safe to rely upon such recovery.

5) It is further argued that since the case is based on last seen theory, again it is not safe to rely upon such circumstantial evidence to deny the bail.

6) She further argued that presently there is no CA report is yet received as regards recovered clothes.

7) The offence is very serious and considering the CCTV footage which corroborates the statement of the eye-witness Tayyab Shaikh. It is evident from the above evidence that on the faithful night, the applicant was with the deceased and the initial incident of the quarrel was recorded in the CCTV footage as well as it was narrated by the witness Tayyab Shaikh.

8) In the above-referred backdrop, the recovery of clothes, and blood stains is prima facie sufficient evidence to connect the applicant to the alleged offence.

9) Thus, considering the nature of the allegations collected by the Investigating Officer, I am of the opinion that this is not a fit case for grant of bail. Accordingly, the application is rejected and disposed of.

- 10) At this stage, the learned Counsel for the applicant seeks liberty to apply afresh after receipt of CA report.
- 11) Liberty is granted as prayed for.

[ANIL S. KILOR, J.]