



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.54 OF 2024

Akshay s/o Ramesh Satpal
Vs.

State of Maharashtra, Through Police Station Officer, Arvi, District Wardha

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. M. Jaltare, Advocate for applicant.
Mr. A. R. Chutke, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/02/2024

1. The applicant came to be arrested on 01.06.2022 in connection with Crime No.463/2022 registered with Arvi Police Station, District Wardha for the offences punishable under Sections 302, 397, 364, 120-B, 201 and 411 read with Section 34 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of report lodged by Sagar Mahendra Shingane on an allegation that his father namely Mahendra Shingane was addicted to liquor and bad vices and used to wear huge golden ornaments on his persons and was residing separately. From 25.05.2022, his father was missing and could not traced, therefore, he lodged missing report on 29.05.2022 at Police Station, Arvi. The police started investigation to find out his missing father and on the basis of the CDR report, on the

mobile, they made a preliminary investigation, from which it revealed that he was lastly called by one Sumit Jadhav, who was in contact with the present applicant and one Sharuhkh Shaikh. Accordingly, on 01.06.2022, the informant has lodged report at the Police Station suspecting the involvement of the present applicant and the other co-accused in the abduction of his father and the likelihood of the stealing of his golden ornaments. On the basis of such report, police have registered the crime. During the investigation, it revealed that present applicant through conference call with the help of his friend Sumit Jadhav had called the deceased at the spot on the pretext of providing him ganja and, thereafter, all the accused have committed the murder of the deceased by strangulation and took away his golden ornaments worth of Rs.4,00,000/- from his persons and then thrown away dead body of the deceased.

3. Learned Counsel Mr. Jaltare submitted that the entire case is rested on the circumstantial evidence. As far as the present applicant is concerned, except the suspicion no other material is collected during the investigation. He further submitted that now, investigation is completed and charge-sheet is filed, further custodial interrogation is not required and therefore, further incarceration is also not warranted. He submitted that the other co-accused are already released on bail against whom similar incriminating evidence is appearing.

He further invited my attention towards the various statements and submitted that except the suspicion there is no other material to connect the present applicant with the alleged offence. He also invited my attention towards the statement of Sumit Jadhav and submitted that his statement is also not sufficient to connect the present applicant with the alleged offence. In view of that, the applicant to be released on bail.

4. Per contra, learned APP strongly opposed the application on the ground that during the investigation, the Investigating Officer has recorded the relevant statements of the witnesses including Sumit Jadhav. From which it reveals that it is the present applicant, who called the deceased by using his mobile, at the spot of incident on the pretext of providing the gaja, and thereafter, present applicant along with the other co-accused strangulated the deceased and stolen the golden ornaments, which are on the person of the deceased and the deceased was thrown in the Well along with his Aactiva Moped. The dead body of the deceased as well as Aactiva Moped was discovered at the instance of the memorandum statement of the present applicant. He further submitted that the postmortem report shows the cause of death of deceased is due to compression of neck. At column No.17 shows the corresponding injuries. When the query was made in respect of the nylon rope, the Medical Officer has

opined that the injuries were possible with the weapon used in the crime. The investigating agency also obtained the CDR and SDR of the mobile phone from which also the applicant's involvement is revealed. The amount of Rs.40,000/- is recovered at his instance. It further reveals that the gold which was obtained from the person of the deceased is melted and sold to one co-accused Shubhangi. Thus, prima facie case is made out against the present applicant. Considering the nature of the offence, which is grievous in nature. The manner in which the deceased was killed and the involvement of the present applicant reveals *prima facie*. The bail application deserves to be rejected.

5. Having heard the learned Counsel for the applicant and learned APP for the State. Perused the investigation papers with the help of learned Counsel for the applicant and learned APP for the State. During the investigation, the Investigating Officer has recorded the statement of Sumit Jadhav. It reveals from the statement of said Sumit Jadhav, the present applicant called him through conference call and thereafter, with his help called the deceased in one agricultural field, on the pretext of providing him the contraband i.e. ganja. During investigation the involvement of the present applicant is revealed. His memorandum statement was recorded by the investigating agency, in view of Section 27 of the Indian Evidence Act. At his instance, the dead body

of the deceased and his Moped i.e. Activa was discovered from the Well. During the investigation, the CDR reports also collected by the investigating agency, which shows that the present applicant was in contact with Sharukh Sheikh, Vinod Kuthe and Mohamad Jafar, who were present at the spot at the relevant time. Moreover, there are criminal antecedents against the present applicants which are in the nature of committing the theft. It further reveals from the investigation that at the instance of the present applicant, the amount of Rs.40,000/- is also recovered and it also revealed that the present applicant has melted the gold and sold it to the co-accused Shubhangi Nandkishor Malode. Thus, the present applicant is the main conspirator behind the said incident. Considering the *prima facie* material against the present applicant, the nature of the offence and the reason for which the crime is committed and the deceased was assaulted brutally, no case is made out for grant of bail. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass following order.

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)