



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

CRIMINAL APPLICATION (BA) NO. 828 OF 2024

Pintu @ Ashish s/o Pradip Petkar Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Rakhi Sarkar, counsel for applicant.

Mr. K.R. Lule, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03/10/2024.

1. This is an application for grant of bail. The applicant came to be arrested on 23/07/2024, in connection with Crime No. 69/2022 registered with Police Station Majari, District Chandrapur for the offence punishable under Sections 302, 364 read with Section 34 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of a report lodged by police constable Haridas Topne, who was on duty at Police Station Majari, he received the information about the dead body of an unknown person lying under the bridge near Koradi Nala. After receipt of the information, he immediately reached on the spot and found a middle-aged person lying in a pool of blood and had sustained the injuries therefore, he lodged the report against the unknown persons. During the investigation and on the basis of the statements of the witnesses, it was revealed to the investigating officer that the present applicant has

made an extrajudicial confession to the witness by name Hitesh Sharma. On the basis of said information, the wheels of the investigation started rotating. During the investigation, the vehicle of the present applicant which was used in the commission of the crime, was seized, wherein the blood stains were found. The CCTV footage was also collected, and the presence of the applicant was seen at the spot of the incident. In another CCTV footage also, the presence of the present applicant along with the co-accused was seen. During the investigation, the blood-stained clothes of the present applicant as well as his blood-stained slipper were also seized. On the basis of said investigation, the chargesheet is filed against the present applicant.

3. Heard learned counsel for the applicant, who submitted that the entire case is based on the circumstantial evidence. As far as the involvement of the present applicant is concerned, there is no material to connect him with the alleged offence. The investigation papers nowhere show that there was any motive for the applicant to connect him with the alleged offence. She submitted that now investigation is completed and chargesheet is filed, further incarceration of the applicant is not required, in view of that, he be released on bail.

4. The learned APP strongly opposed the said application on the ground that during the investigation,

the investigating officer recorded the statement of one Hitesh Sharma with whom the applicant has given the extrajudicial confession. The said extrajudicial confession is also corroborated by other circumstances, like seizure of the bloodstains and clothes. The blood stains are found in the vehicle, which was used in the commission of the crime. The bloodstained slipper of the present applicant is also seized at his instance, as well as the CCTV footage which connects the present applicant with the alleged offence.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the entire investigation papers, from which it reveals that, besides the extrajudicial confession, the circumstantial evidence on which the prosecution placed reliance is that the CCTV footage is collected during the investigation, which shows the presence of the present applicant at the spot of incidence along with the co-accused. The blood stains are found on the clothes of the present applicant, and the weapon is also seized at his instance. The vehicle which was used in the commission of the crime also had stains on the seat cover. The blood stained slipper of the present applicant is also recovered.

6. Thus, considering the material collected during the investigation, at this stage, the applicant's involvement reveals from the investigation papers. In

view of the above facts and circumstances, the application deserves to be rejected. Accordingly, I proceed to pass the order.

The criminal application is rejected accordingly.

[URMILA JOSHI-PHALKE, J.]