



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.889 OF 2024
(Sheshrao Sakharam Damdhar Vs. The 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

Mr. R.D. Karode, Advocate for the applicant.
Mr. S.A. Ashirgade, Addl.P.P for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 17, 2024.

By this application, the applicant is seeking bail as he came to be arrested on 11/10/2023 in connection with Crime No.609/2023 registered with Police Station Jalgaon Jamod, District Buldhana for the offence punishable under Sections 302 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Ravindra Narayan Dhule on an allegation that on 10/11/2023 at about 6.30 AM his cousin aunt approached to him and disclosed that the deceased is lying near the river. He immediately rushed to the spot and saw that the deceased has sustained the injuries and one villager Shaikh Sikandar Shaikh Kasam informed him that he has seen the present applicant and the deceased proceeding together from the Jalgaon Jamod – Burhanpur road towards Jalgaon Jamod, therefore, he suspected regarding the involvement of the present applicant in the alleged incident and he lodged the report. On the basis of

the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the involvement of the present applicant is concerned, the previous enmity is suggested long back in the 1994 and there is no reason for the applicant to commit the murder after laps of more than 20 years. He submitted that, entire case is based on the circumstantial evidence. As far as the last seen with the deceased is concerned, the evidence of the witness Shaikh Sikandar Shaikh Kasam is contradictory in nature. There is no other material to connect the present applicant with the alleged offence. Now, the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the application and submitted that the blood stained weapon and the blood stained cloths are recovered from the present applicant which is a strong circumstance to connect him with the alleged offence. The said circumstance is also associated with the fact that the deceased was last seen with the present applicant and thereafter he was not seen alive by anybody, there was a previous enmity also. Thus, considering the nature of the evidence against the present applicant, his involvement reveals. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that the dead body of the deceased was found lying near the river wherein one witness namely Shaikh Sikandar Shaikh Kasam informed the informant that he has seen the deceased and the present applicant together prior to the incident i.e. on earlier night of 09/11/2023 at about 10.00 PM. Thereafter the deceased was not seen alive by anybody. This fact is also associated by the circumstance that during the interrogation, the present applicant has made a memorandum statement in presence of the panchas and at his instance, blood stained weapon and blood stained clothes are seized which are already forwarded to the chemical analysis. Thus, the statement of the Shaikh Sikandar Shaikh Kasam who has seen the applicant and the deceased lastly. The blood stained clothes and the blood stained weapon are recovered at the instance of the present applicant are the sufficient circumstances to connect the present applicant with the alleged offence at this stage. The death of the deceased is due to the injury sustained by him. Thus, considering the *prima facie* case against the present applicant, the application deserves to be rejected.

6. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)