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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 426 OF 2025

SANDIP UTTAM TORNE

.....Petitioner

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. S. D. Kotkar, Advocate for the petitioner

Mrs. Chaitali Choudhari-Kutti, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 01st AUGUST, 2025

P. C.

1. This appeal arises out of an order passed by the learned Additional Sessions Judge, Paranda dated 09-05-2025 below Exh. 44 in Special Case No. 2/2025 rejecting the application for bail of the present appellant in connection with crime No. 142/2024 registered with Ambi Police Station, Dist. Dharashiv dated 17-11-2024 for the offences punishable under Sections 103, 238, 61(2), 3(5) of the BNS and Sections 3(2)(v) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. The informant namely Ramkishan Dagadu Kumbhar working as Police Constable, Ambi Police Station lodged the FIR with the Ambi Police Station on behalf of government on 17-11-2024. It is stated that on 17-11-2024 at about 07.30 am the informant and other police personnel were called at Ambi Police Station. In the police station it was told that the police received information on a phone that one dead body of a woman was found floating in the water under the bridge near Haran-Odha. On this informant and others went to the spot. The body was taken out of the water. Some injuries were noticed on the body. It was also found that her throat was strangulated. It was, thus, found that body was thrown in the water by committing murder. The FIR thus, came to be lodged against the unknown persons. During the investigation that body was identified. On further investigation the names of the present appellant alongwith other persons were revealed as they were seen together lastly with the deceased. The police then carried further investigation. The appellant, thus came to be arrested on 25-11-2024. Since then

the appellant is in jail. His application for bail came to be rejected by the learned Additional Sessions Judge. Thus, the appellant is before this court.

3. The learned advocate for the appellant vehemently argued that the present case is totally based upon circumstantial evidence. There is no direct evidence showing involvement of the present appellant. There is no proximity in time when the deceased was allegedly lastly seen with the appellant. The appellant is apprehended merely on suspicion. He submits that under such circumstances, now even the investigation is complete. The custody of the present appellant is not at all required. The learned trial Judge has wrongly rejected the application for bail. He, thus, prays for allowing the appeal by setting aside the impugned order.

4. The learned APP vehemently argued that though the case is based upon circumstantial evidence, however strong circumstances are there which clearly indicate the role of the

present appellant in the offense. There is CCTV footage at four places wherein the appellant is clearly seen and identified. The deceased was lastly seen in the hotel with the accused persons in a car. The CCTV footage shows that she came in the car with the accused persons. In the hotel they had drinks and dinner and it is thereafter they went in the same car. The car is again seen near Paranda at Bhairavnath Sugar Ltd. The car was going towards Paranda. The car is identified i.e. used in the crime i.e. Swift Desire car of silver colour being registration No. MH-14-CC-5094. The CCTV footage of hotel Sanjay where the deceased and the accused had dinner is also recorded. The said car was again seen at one toll naka near Kharda Chowk, Jamkhed. It was seen that said car was going towards Meerajgao. She submits that even recording of mobile phone of the accused is transcribed. There is also video shooting done where one of the accused is seen throttling the deceased. The voice sample is also taken. She thus submits that the statement of the hotel Manager where the deceased and the accused had dinner was also recorded. He identified the accused persons who had come

alongwith the deceased. The statements of the husband of the deceased also shows that the deceased was having illicit relation with accused No. 1-Vishwas. On the pretext that he would give one house in the Gharkul scheme, he used to contact her. He further stated that accused had taken her in Swift car. She, thus, submits that the appeal deserves to be dismissed.

5. Having heard the parties, it is clearly seen that though the case is only based on circumstances, the chain is taken as it is, is sufficient to show that the deceased lastly seen with the accused persons. Looking to the time gap prima facie it does not show any other possibility. The deceased left the hotel with accused persons late in the evening. Though it is tried to be argued that she may have left accused persons at same place, however, it appears to be far-fetched. No lady will get down from the car in the night hours at some unknown place. The CCTV footage is collected where the deceased was seen with the accused. Mobile recoding also prima facie shows the involvement of the accused persons. After the investigation the

charges under the Atrocities are also attracted as the deceased was belonging to the scheduled castes and the accused were knowing caste of the deceased. Now the charge-sheet is filed under those sections as well.

6. This court at this stage finds that there is sufficient material to connect the appellant with the crime. The learned trial Judge has rightly considered all these aspects and has rejected the application for bail. No case is made out to allow the appeal. Hence, the criminal appeal stands dismissed.

[KISHORE C. SANT, J.]

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