

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 3538 OF 2023**

Sammed Sanjay Sawalwade

... Applicant

Versus

State of Maharashtra

... Respondent

.....

Mr. Satyavrat Joshi a/w. Mr. Ashish R. Kachole i/b. Samay Pawar,
Advocate for the Applicant.

Mr. Prasanna P. Malshe, APP for the State.

CORAM : SHIVKUMAR DIGE, J.**DATED : 4th FEBRUARY, 2025.****P.C. :**

1. By this application, the applicant is seeking regular bail in C.R.No. 47 of 2023 registered with Ashta Police Station, Sangli for the offence punishable under Section 302, 364, 365, 201, 120(B) read with 34 of Indian Penal Code read with Sections 3, 25 of Indian Arms Act.

2. It is prosecution's case that applicant and co-accused kidnapped the deceased from his house on point of pistol in car and murdered him by strangulation. They burned his body and threw ashes in the river. The allegations against the applicant are that scarf used in the crime is recovered at the instance of the applicant, he and co-accused were last seen with the deceased.

3. It is contention of learned counsel for the applicant that

applicant has been falsely implicated in this crime. There is delay in lodging the FIR. The prosecution's case is based on circumstantial evidence. There is no witness to the incident. The body of the deceased has not been found. The applicant is behind bar almost two years yet trial has not been started, hence requested to allow the application.

4. It is contention of learned APP that applicant had enmity with the deceased. The applicant and the co-accused kidnapped the deceased from his house and killed him by strangulating him by scarf. The police has recovered scarf used in the crime at the instance of the applicant. The police have recorded the statement of the witnesses who had seen that the applicant and co-accused taking away the deceased in car on the day of incident. There is strong prima facie case against the applicant hence requested to reject the application.

5. I have heard both the learned counsel. Perused charge-sheet produced on record. The scarf which was used for strangulation of the deceased is recovered at the instance of the applicant. He along with co-accused kidnapped the deceased and murdered him by strangulation. Thereafter they burned his body and thrown away ashes in the river. The statement of witnesses Shivraj Hurale, Sachin Raskar and Anil Gawde shows that on 27.02.2023, they saw applicant and co-accused taking away the deceased in the car. All these witnesses knew the applicant and the

deceased. The Police has recovered scarf used in the crime at the instance of the applicant. The witnesses have last seen the applicant with the deceased along with co-accused, it shows involvement of the applicant in the crime. The charge is framed against the applicant. There is progress in the trial, if applicant released on bail, he may threaten first informant and prosecution witnesses. Considering these facts, I am not inclined to allow the application and I pass following order.

ORDER

(a) The application is rejected.

(SHIVKUMAR DIGE, J.)

SONALI
SATISH
KILAJE
Digitally
Signed by
SONALI
SATISH
KILAJE
Date:
2025.02.07
19:25:19
+0700