

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2721 OF 2014

Appa Ajaba Dagade

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Vikas Shivarkar for the Applicant

Mr.Arfa Sait, APP, for Respondent – State

Mr.Ravindra Bharat Thorat, Investigating Officer / API, Narayangaon police station, Pune (Rural) – present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JUNE 30, 2015**

P.C.:

1. The Application is for bail as the applicant/accused is in prison for the offences punishable under sections 302, 201 of the Indian Penal Code in relation to C.R. No.82 of 2014 registered at Narayangaon police station, Pune on 28.3.2014 at the instance of one Vikram Sudam Lamkhade. When the informant and his friends were working in agricultural field, they found that a foul smell was coming from the nearby river and when they verified, they realised that there was one gunny bag and the foul smell was coming from that bag. They sensed some problem and therefore called other villagers and saw inside that bag and found a dead body of one 60 to 65 years aged woman, which was decomposed. The applicant/accused was arrested on 29.3.2014 and hence, this bail application.

2. The learned Counsel for the applicant/accused has submitted that there is no eye witness in this case. The case entirely stands on last seen together theory. The name of the co-accused Patlya is mentioned. However, the name of the applicant/accused is not mentioned. In the statement and thus, the identification of the applicant/accused is doubtful. It is submitted that there is no evidence of test identification parade against the present applicant/accused. The discovery panchanamas are also doubtful as the police have taken both the accused in the discovery of gold articles and also of gunny bag. It is further submitted that there is no evidence against the applicant/accused. He is entitled to bail.

3. Learned Prosecutor has opposed the application. He relied on the statements of Shobha Salunkhe and Kunda Tawre, the neighbours, who have seen the applicant/accused and the co-accused taking the deceased on the motor cycle when the witness had heard Vimlatai telling the co-accused that she should be dropped back. He submitted that alongwith this evidence of last seen together, the gold articles which were taken from the body of the deceased were sold by the applicants/accused to a jeweller and a recovery of the gold pendant and gold beads is at the instance of the applicant/accused. The deceased was murdered as she protested to the sexual assault by the co-accused and the applicant/accused.

4. Perused the FIR, post-mortem reports. It is a case of murder. There is evidence of last seen together. 2 female witnesses have stated about it. There is a recovery of gold pendant and gold beads at the instance of the present applicant/accused from a jeweller. There are circumstances against the applicant/accused.

5. Considering the manner in which the deceased was taken and murdered, I am not inclined to grant bail. Bail application is rejected.

(MRS.MRIDULA BHATKAR, J.)