IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.

CRIMINAL APPLICATION NO.1443 OF 2015.

Umesh Vitthalrao Fulari.

VERSUS

The State of Maharashtra.

Santosh Bhagwanrao Tammewar : First Informant.

Appearance =>

Mr. Upendra Bilolikar, Advocate for the Applicant.

Mr. A.S. Shinde, Additional Public Prosecutor for the State of Maharashtra.

Mr. Surendra Suryawanshi, Advocate for the Applicant – First Informant.

CORAM : V.M. Deshpande, J.

DATE : 31st March, 2015.

Per Court :-

Present Criminal Application is filed by the applicant for grant of regular bail in connection with CR No. 50/2014 registered with Ramtirth Police Station, Taluka – Naigaon, District – Nanded for the offences punishable under Section.s. 302, 364, 201 read with 34 of the Indian Penal Code.

[2] Heard Mr. Upendra Bilolikar, learned counsel for the Applicant, Mr. A.S. Shinde, learned Additional Public Prosecutor for

the State of Maharashtra and Mr. Surendra Suryawanshi, learned counsel for the First Informant, in extenso.

[3] On 8th October, 2014 missing report was lodged by the first informant with Police to the effect that his brother – Satyawan is not traceable since 17th February, 2014 from 8 O'clock in the morning. On 12th October, 2014 First Information Report was lodged against four persons. Present applicant is Accused No.3.

[4] The dead body of deceased Satyawan was found in highly discomposed condition near Jagannath Palli village on Sangareddy-Degloor Highway, Telangana. After completion of investigation, the Investigating Officer has filed the charge sheet. There is no recovery at the instance of present applicant. There is no direct evidence against the present applicant. The only material that the learned Additional Public Prosecutor tried to press into service is the statement of one Arun Pandhare, who is the driver of accused No.1 – Avinash Ramrao Ankulwar, which shows that present applicant took one of the co-accused – Shyam Balaji Shinde alongwith him at Naigaon. Except this, there is no reference to the present applicant, in the entire charge sheet.

[5] Looking to the fact that, prosecution case is not having direct evidence and based on circumstantial evidence, prosecution is under obligation to point out strong circumstance against the present applicant, for his further detention in judicial custody. Charge Sheet does not show any strong circumstance, much less any circumstance, against the present applicant, warranting his further detention in the

judicial custody. In that view of the matter, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - Umesh Vitthalrao Fulari shall be released on bail on he executing P.R. Bond of Rs. 20,000/- [Rs. Twenty Thousand.] with two solvent sureties in the like amount, to the satisfaction of the learned trial court, in connection with CR No. 50/2014 registered with Ramtirth Police Station, Taluka – Naigaon, District – Nanded for the offences punishable under Section.s. 302, 364, 201 read with 34 of the Indian Penal Code.

(iii) The applicant shall attend Ramtirth Police Station, Taluka – Naigaon, District – Nanded twice in a week, preferably on every Sunday and Thursday between 10.00 a.m. to 1.00 p.m., till Charge is framed.

(iv) The observations made in this order are only for decision of the present Application and the learned trial court should not get itself influenced at the time of trial.

(V.M. DESHPANDE, J.)