

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

Criminal Application No. 1633 Of 2015.

SHIVAJI BAPURAO KANHERE.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Joydeep Chatterji, Advocate for the Applicant.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 15th April, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail, in connection with CR No. 218/2014 registered with Police Station, Badnapur, District – Jalna for the offences punishable under Section 302 of the Indian Penal Code.

[2] Heard Mr. Joydeep Chatterji, learned counsel for the Applicant and Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State.

[3] In the present case, the Investigating Officer has already completed the entire investigation and charge sheet is already filed. First Information Report was lodged by Umesh Prabhakar Ghorpade, brother of deceased Vandana, whose marriage with present applicant was performed

before 10 to 12 years ago. It is also there in the First Information Report that earlier there was dispute between the husband and wife, which was resolved.

[4] The dead body of Vandana was found in a well when she had been to agricultural field. The spot panchnama shows that, well which is situated in land Gat No.319 is not having any parapet wall and there are so many bushes around the well. Though there is memorandum statement of the applicant under Section 27 of the Indian Evidence Act and on that basis, stick is recovered, recovery panchnama shows that, said stick is not having blood stains.

[5] Looking to the nature of accusation and fact that charge sheet is already filed, further custodial presence of the applicant is not necessary. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - SHIVAJI BAPURAO KANHERE shall be released on regular bail on he executing P.R. Bond of Rs.15,000/- [Rs. Fifteen Thousand.] with one solvent surety in the like amount, in connection with CR No. 218/2014 registered with Police Station, Badnapur, District – Jalna for the offences punishable under Section 302 of the Indian Penal Code.

(iii) Bail before trial court.

(V.M. DESHPANDE, J.)