

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

CRIMINAL APPLICATION NO. 2869 OF 2015.

MEGHRAJ SHRINIWAS LAD.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Sudarshan J. Salunke, Advocate for the Applicant.

Mr. V.H. Dighe, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 29th June, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No. 9/2015 registered with Police Station, Yusuf Wadgaon, District - Beed for the offences punishable under Section/s 302, 201 read with 34 of the Indian Penal Code.

[2] Heard Mr. Sudarshan J. Salunke, learned counsel for the Applicant and Mr. V.H. Dighe, learned Additional Public Prosecutor for the State.

[3] Deceased is one Sachin. First Information Report is lodged by Sima Bhairu Ingale, sister of the deceased. Present Applicant is group leader of labourers, who are engaging in sugarcane cutting. According to the prosecution on 3rd January, 2015 deceased left the company of his other relatives with present Applicant. Thereafter, his dead body was found to be floating in a well on 7th January, 2015.

[4] Entire case of the prosecution against the present Applicant revolves only in respect of “last seen theory”. Last seen theory alone is not sufficient to record the conviction of the present Applicant in absence of any other incriminating material against him. Other incriminating material which prosecution intending to rely is spot from where dead body was recovered. Dead body was recovered on 7th January, 2015; where-as spot was shown by the present Applicant on 28th January, 2015. Thus, fact which was already known to the Investigating Officer cannot be said to be discovery at the instance of the present Applicant. Investigating is over. Charge sheet is already filed. There is no eye witness account. Further custodial presence of the Applicant is not warranted. That leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - MEGHRAJ SHRINIWAS LAD shall be released on regular bail on he executing P.R. Bond of Rs. 25,000/- [Rs. Twenty Five Thousand.] with two solvent sureties in the like amount, in connection with CR No. 9/2015 registered with Police Station, Yusuf Wadgaon, District - Beed for the offences punishable under Section/s 302, 201 read with 34 of the Indian Penal Code.
- (iii) Bail before trial court.
- (iv) Applicant shall attend Police Station, Yusuf Wadgaon, District - Beed once in a week, preferably on every Sunday and shall remain present in the said Police Station between 3.00 p.m. to 5.00 p.m., till trial is over.

(v) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)