

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

CRIMINAL APPLICATION NO. 3341 OF 2015.

DIGAMBER S/O JAIRAM CHAUGHULE & ORS.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. G.J. Kore, Advocate for the Applicants.

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

CORAM : V.M. Deshpande, J.

DATE : 23rd July, 2015.

Per Court :-

Present Criminal Application is filed by the Applicants for grant of regular bail in connection with CR No.1/2015 registered with Police Station, Ambejogai, District - Beed for the offences punishable under Section/s 302, 201, 120(B) read with 34 of the Indian Penal Code.

[2] Heard Mr. G.J. Kore, learned counsel for the Applicants and Mrs. Pratibha Bhrad, learned Additional Public Prosecutor for the State.

[3] Balasaheb Janardhan Nagargoje, Forester noticed three dead bodies in forest land Survey No.734 in the vicinity of village Kuranwadi. Out of these three dead bodies, one was of fully grown

lady; where-as other two, female child and male child. He immediately report the matter to Police on 01/01/2015.

[4] On the basis of said information, Chandrashekhar Tukaram Chaudhari, Police Inspector, Police Station, Ambajogai lodged a report on behalf of the State against unknown persons. During the enquiry, it was revealed to him that deceased were residing at Jyotinagar, Ambojogai and were tenants of Mahadeo Sukhadeo Shingade. Accordingly, said Mahadeo was called and on the said day, he identified the dead bodies as of Sunita and others, being her son and daughter by name – Abhijeet and Jayashree.

[5] Investigating Agency has already completed the entire investigation. Charge Sheet is already filed. Entire case of the prosecution is based on circumstantial evidence. There is no direct evidence in the case. In the Charge sheet, only incriminating evidence against the present Applicants is finding of “Number Plate” of vehicle after 17 days in the Forest and according to the prosecution, the same belongs to Applicant No.2. Seizure panchnama of motorcycle is also available in the charge sheet. Motorcycle was seized from the house of Applicant No.2. Panchnama does not reflects that at the time of seizure, the Number Plate was not there on the body of the motorcycle.

[6] Another circumstance, according to the prosecution is that Sunita was in live-in relationship with one Jayram, who is father of the present Applicant No.1 – Digamber and brother of Applicant No.2 - Balasaheb.

[7] Deceased Sunita lodged First Information Report against said Jayram for rape and in that case, Jayram was lodged in jail. According to the prosecution, through the statement of Police, who brought said Jayram for extension of his M.C.R. before the learned Magistrate on that day, present Applicants had some talk with Jayram and prosecution believes that this talk is nothing but a conspiracy between the present Applicants and Jayram to eliminate Sunita.

[8] Except this, there is no direct or indirect circumstances against the present Applicants. On the basis of such feeble circumstances, the personal liberty of the citizen cannot be curtailed, especially when investigation is already over. The Applicants are in jail since 13th January, 2015. To me, this is a fit case where-in the court should pass the order of bail, to release the Applicants from jail, forthwith. That leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant No.1 – Digamber Jairam Chaughule and Applicant No.2 – Balasaheb Rambhau Chaughule shall be released on regular bail on they executing P.R. Bond of Rs. 10,000/- [Rs. Ten Thousand.] each with two solvent sureties in the like amount, in connection with CR No.1/2015 registered with Police Station, Ambejogai, District - Beed for the offences punishable under Section/s 302, 201, 120(B) read with 34 of the Indian Penal Code.

(iii) Bail before trial court.

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

(V.M. DESHPANDE, J.)