

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 5838 OF 2015

GOPINATH RAJARAM UGHADE AND ANR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Joydeep Chatterji.

APP for Respondent : Mrs. M. A. Deshpande.

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CORAM : **INDIRA K. JAIN, J.**

DATE : 22nd December, 2015.

ORAL ORDER:

. Applicants are involved in Crime No.97 of 2014 registered at MIDC Police Station, District Jalgaon for the offences punishable under Sections 302 and 201 read with 34 of the Indian Penal Code.

2 Heard Mr. Joydeep Chatterji, learned counsel for Applicants and Mrs. M. A. Deshpande, learned APP for the State. Perused case papers.

3 On 9th April, 2014 a dead body of unknown female was found in Mehrun Water Tank at Jalgaon. A.D. No.33 of 2014 was registered. Dead body was identified as of Vatsalabai Shivaji

Sadavarte resident of Mumbai.

4 On 17th April, 2014 P.S.I. Devidas Dadarao Ingole lodged report on behalf of State against unknown person. Statements of relatives of Vatsalabai were recorded. It was revealed during investigation that there was some financial transaction between Applicants and Vatsalabai. Applicant No.1 had borrowed Rs.1,00,000/- from Vatsalabai in the year 2012 for a period of one year. Applicant No.1 repaid Rs.10,000/-. For remaining amount of Rs.90,000/- Vatsalabai used to visit the house of Applicants. But on some or the other pretext Applicants avoided to pay back the money.

5 On 25th July, 2014, 23rd May, 2015 and 4th June, 2015 statement and supplementary statements of Ram Bhaurao Padmukh came to be recorded. He stated that on 31st March, 2014 on the day of Gudi Padwa, Vatsalabai had been to his house. She asked him to drop her to the house of Applicants. Accordingly on 31st March, 2014 at 05:00 pm Ram Bhaurao Padmukh dropped Vatsalabai on motorcycle to the house of Applicants.

6 Prosecution case is based on circumstantial evidence. The circumstances alleged against Applicants are last seen,

confessional statement of Accused and motive.

7 Investigation is complete. Charge-sheet has been filed.
There is no likelihood of the Applicants fleeing away from justice.

8 Considering the manner of incident, circumstances and statements of witnesses this Court is of the view that no purpose would be served by keeping the Applicants in further custody. Application deserves to be allowed. Hence the following order –

ORDER

- I. Criminal Application No.5838 of 2015 is allowed.
- II. Applicant No.1 Gopinath Rajaram Ughade and Applicant No.2 Dnyaneshwar Gopinath Ughade are released on bail in Crime No.97 of 2014 registered at MIDC Police Station, District Jalgaon for the offences punishable under Sections 302 and 201 read with 34 of the Indian Penal Code, on P.R. and S.B. of Rs.20,000/- (Rupees Twenty Thousand only) each.

- III. Applicants shall not tamper with the prosecution evidence and shall make themselves available as and when required.
- IV. Bail before the Trial Court.

[INDIRA K. JAIN, J.]

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