

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

Criminal Application (BA) No. 420 of 2015

(Maroti Musali Veladi and ors. Vs. State of Mah. through P.S.O., Bhamragad P.S.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri S. V. Sirpurkar, Advocate for the applicants
Shri A. H. Laddhad, APP for the State/non-applicant

CORAM : P. B. VARALE, J.

DATE : 31-7-2015.

Heard learned counsel Shri Sirpurkar for the applicants and learned Additional Public Prosecutor Shri Laddhad for the State/non-applicant.

The applicants are before this Court for their enlargement on bail in connection with Crime No. 11/2014 registered with Bhamragad Police Station, District Gadchiroli for the offences punishable under Sections 302, 363, 365, 201, 120-B read with Section 34 of the Indian Penal Code.

The report came to be lodged at the instance of one Joga Madavi. The sum and substance of report is daughter of complainant Sangita was prosecuting her studies at Aheri and she was in love with one Manoj Sadmek. Though some initial talk for settling the marriage of Manoj and Sangita took place between their families, Manoj was avoiding further progress in respect of marriage proposal for the period of two years. On 6-11-2014, Sangita left her house in the morning at about 10.00 Hrs. so as to

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attend the interview scheduled for the post of Forest Guard. Thereafter for a considerable period, whereabouts of Sangita were not known. A search was conducted and inquiry was made with the relatives. On 15-11-2014, the niece of the complainant, Radha received some messages from Sangita informing that she is with her friend and at N.V.L.S. Some other relatives also received the similar messages. Thereafter again there was no communication from Sangita. As such, the complainant i.e. father of Sangita approached Manoj Sadmek and made inquiry with him. Manoj replied that on 6-11-2014, he accompanied Sangita to Alapalli and thereafter bid good bye to Sangita at Gadchiroli bus stand. In the further inquiry, the complainant found that the replies of Manoj Sadmek were evasive. Father of Sangita then approached Aheri Police Station and then to Bhamragad Police Station. In the inquiry conducted by police personnel, it reveals that Manoj was given evasive replies.

Learned counsel Shri Sirpurkar submits that in the report lodged at the instance of father of Sangita, there is absolutely no material against the applicants even a remote suspicion placed against the present applicants. Learned counsel for the applicants submits that the applicants are involved in the said crime only on the basis of wholly untenable and unacceptable material i.e. in the form of confessional statement of the accused Manoj Sadmek. Learned

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counsel submits that though investigating agency recorded statements of number of witnesses, all these witness in chorus state that Manoj Sadmek was avoiding the marriage proposals and certain messages were received forwarded by Sangita. Shri Sirpurkar submits that alleged recovery at the instance of accused Manoj Sadmek under Section 27 of the Indian Evidence Act and in that process involving these applicants is the only material against these applicants. Learned counsel for the applicants submits that the said material is weak and cannot be termed as evidence, leave aside, even the circumstantial evidence against these applicants. Shri Sirpurkar submits that the applicants were arrested on 25-12-2014 and since then they were behind the bars. He submits that all the necessary material are collected by the investigating agency and included in the charge-sheet. He further submits that on the basis of this material, prosecution can hardly establish any case against these applicants and keeping the applicants behind the bars would not be justified. He further submits that the applicants will abide by the conditions if imposed upon them and thus, prayed for enlargement of the applicants on bail.

Learned APP opposes the application.

On perusal of the report, statements of the witnesses and so called material against these applicants in the form of confession statement, I find considerable merit in the submissions of learned

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counsel Shri Sirpurkar for the applicants. It is not the case that the applicants are having any criminal antecedents to discredit them. Considering all these aspects, in my opinion, the applicants are entitled for their enlargement on bail. The apprehension of the State can be taken care of by imposing conditions upon the applicants. In the result, the application is allowed.

The applicant be released on bail on furnishing P.R. bond of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one solvent surety each in the like amount, on the following conditions.

a] The applicants to attend the Police Station, Bhamragad, District Gadchiroli once in a month i.e. every 15th day of the month till commencement of the trial and as and when called by the investigating agency.

b] The applicants shall not tamper with the prosecution evidence nor commit any act such as contacting the prosecution witnesses or pressurize them.

c] The applicants to submit their residential addresses and their contact numbers such as phone/mobile numbers to the investigating agency.

d] In case the applicants are moving out of the area of Police Station, Bhamragad, they shall inform the concerned Police Station about their visit to other place.

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In case of breach of these conditions, the prosecution agency to take necessary steps in accordance with the provisions of law.

JUDGE

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