

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO. 465 OF 2015
Raosaheb Ramrao Rajurkar Vs. State of Maharashtra PSO Nandgaon Peth Amravati

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

Court's or Judge's Order

Shri P. R. Agrawal Adv for applicant.
 Smt R. Deshpande APP for respondent/State.

CORAM: A. S. CHANDURKAR J.

Dated: 28th SEPTEMBER, 2015.

Applicant seeks release on bail with regard to Crime
 No. 18 of 2015 registered at Nandgaon Peth Police Station. It is
 the case of the prosecution that one Gangadhar was found dead
 on 26.01.2015 in a well at village Wadgaon Mahure. According
 to prosecution the hands of the deceased were tied, there were
 strangulation marks on his neck and burn injuries on the body.
 Initially, the crime was registered against unknown persons.
 However, subsequently the ground that applicant had illicit

relations with the wife of the deceased, he along with said wife were arrested in aforesaid crime. Certain statements recorded by the investigation indicated that the applicant was seen carrying a sack on his motorcycle on the night on 19.01.2015. Applicant was arrested on 27.01.2015 and his application for being released on bail was rejected by the Sessions Court Amravati on 26.03.2015, hence this application.

On behalf of the applicant it is submitted by Shri P. R. Agarwal, Advocate that present is the case of circumstantial evidence. The statements recorded are by way of an after thought and to suit the case of the prosecution. Merely on the basis of assumption that there were illicit relations with the wife of the deceased, the applicant has been implicated. It is further submitted that charge sheet has been duly filed and further custody of the applicant is not required.

The application is opposed by Smt. R. Deshpande, learned Assistant Public Prosecutor. It is submitted that the statements recorded clearly implicate the applicant. The documents relating to the bank account of the applicant were

also seized from the spot from where the body of the deceased was found. It is further submitted that the applicant had been seen on the night of 19.01.2015 carrying a sack. It is therefore submitted that if the applicant is so released there is likelihood of his tampering with the prosecution witnesses or the material collected.

Perusal of the material on record prima facie indicates that the applicant was seen between 2.00 a. m. to 2.30 a. m. on 19.01.2015 carrying a sack. Statement of another witness indicates purchase of sleeping bills by the applicant in the first week of January, 2015 but no bill has been seized. In aforesaid background especially when the investigation is complete and the prosecution is in custody of all material on which basis it intends to proceed with the trial, a case for grant of bail is made out. Applicant is in custody since 27.01.2015 and as entire investigation is complete, the applicant can be enlarged on bail subject to conditions.

Accordingly the following order is passed:

The applicant is directed to be released on bail in

Crime No. 18 of 2015 registered with Police Station Nandgaon Peth on furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.

Applicant shall not enter the limits of village Shevati and village Wadgaon Mahure during pendency of the trial.

He shall report at Nandgaon Peth police station as and when directed by the Investigating Officer. He shall not take any steps whatsoever to tamper with the prosecution witnesses or the material collected by it. Breach of any conditions would entitle the State to seek cancellation of aforesaid liberty. Application is allowed in aforesaid terms.

JUDGE

svk

