

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

**CRIMINAL APPLICATION (BA) NO.609/2015**

Raju Sahebrao Mate.vs.State of Maharashtra thr. PSO P.S. Yavatmal Rural, Dist. Yavatmal.

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

Court's or Judge's orders.

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Mr. H. S. Chitaley, Advocate for applicant.  
Mr. Laddhad, A.P.P. for non applicant-State

**CORAM : V. M. DESHPANDE, J.**  
**DATE : SEPTEMBER 16, 2015.**

Heard learned counsel for the parties.

The present application is under Section 439 of Cr. P. C. for grant of bail. The applicant is one of the accused arrested in Crime No.54/2015 registered with Police Station Yavatmal Rural for an offence punishable under Sections 302, 201 read with Section 34 of the IPC.

According to the charge-sheet, on 04.04.2015, when one Mr. A. D. Doifode, Police Officer, was discharging his duties at Police Station, he received a phone call that near Deccan Sugar Factory on Yavatmal-Arni road in Magul field, dead body of one unknown person is lying. On getting the said information, the first informant reached to the spot along with other police staff. The offence was registered against unknown person. During the course of investigation, identity of the deceased was disclosed as Sarfaraj. In the entire charge-sheet,

insofar as the present applicant is concerned, only one statement is there, which according to the prosecution is incriminating against the present applicant. The said statement is that of one Manda.

From her statement, it is clear that she was having illicit relations with the deceased Sarfaraz. According to her statement, on 01.04.2015 the deceased, one Vishnu and herself reached to the agricultural field of the present applicant since the deceased received a phone call from one Khalil Pappa who called them to the agricultural field of the present applicant. On reaching, Manda noticed that liquor party was going on in the field of Raju Mate. In the said liquor party, the present applicant tried to make advance to her which was objected by the deceased on the ground that she is his keep. According to the prosecution, the applicant uttered that the deceased should be finished. Except this, nothing happened on the spot. Thereafter, even according to Manda, she along with the deceased and Vishnu left the said place.

Subsequently, according to prosecution, the other accused persons committed murder of Sarfaraz on the instigation of the present applicant.

The learned A.P.P. fairly submits that except this statement of Manda, there is no other evidence against the present applicant. He also

submitted that at the time of the actual assault on Sarfaraz, the applicant was not present on the spot. There is no recovery at the behest of the present applicant.

On the prima facie evaluation of the aforesaid case and looking to the fact that the charge-sheet is already filed before the Court, custodial presence of the present applicant is not required.

In that view of the matter, following order is passed

**ORDER**

- (i) Criminal Application No.609/2015 is allowed.
- (ii) Applicant-Raju Sahebrao Mate, be released on bail in connection with Crime No.54/2015 registered with Police Station Yavatmal Rural, Dist. Yavatmal for an offence punishable under Section 302, 201 read with Section 34 of the IPC on he executing P.R. Bond in the sum of Rs.25,000/- with two sureties in the like amount.
- (iii) Bail before trial Court.
- (iv) The applicant shall attend Police Station Yavatmal Rural, Dist. Yavatmal once in a fortnight on Wednesday between 3.00 p.m. to 5.00 p.m. till culmination of the trial.

**JUDGE**