

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

Criminal Application No. 4134 of 2016

District : Aurangabad

Amol s/o. Narayan Ghuge,
Age : 18 years,
Occupation : Student,
R/o. N-9, Shivneri Colony,
CIDCO, Aurangabad.

.. Applicant.

versus

The State of Maharashtra
(At the instance of CIDCO
Police Station, Aurangabad).

.. Respondent.

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Mr. Abhaysinh K. Bhosale, Advocate, for the applicant.

*Mr. S.M. Ganachari, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 23RD AUGUST 2016

ORAL ORDER:

The applicant / accused in Crime No. 759/2015, for offences punishable under Sections 394 and 302 of the Indian Penal code, registered with Police Station, CIDCO, Aurangabad, at the instance of Snehal Nilesh Aswar, by this application, is praying for releasing him on bail after filing of the charge-sheet.

2. Heard the learned Counsel appearing for the applicant / accused. He argued that the only evidence available with the prosecution against the present applicant is that of statement of juvenile offender in conflict with law and statements of two shop owners reflecting purchase of nylon rope and cutter by the juvenile in conflict with law. Considering this nature of evidence, the learned Counsel for the applicant submits that the applicant, who is not having any criminal antecedents and who is a person of young age, need not be kept in custody with harden criminals.

3. The learned Addl. Public Prosecutor opposed the application by contending that the crime in question is serious and a senior citizen lost her life in this crime. The learned Addl. Public Prosecutor further argued that confessional statement of the juvenile in conflict with law resulted in recovery of a cutter which appears to have been used in the crime in question. The learned Addl. Public Prosecutor further drew my attention to statements of friends of the juvenile in conflict with law, to point out post event conduct of the juvenile in conflict with law. It is also argued that the present applicant is son of a Police personnel.

4. Perused the charge-sheet. The crime in

question allegedly took place at the residential flat of informant Snehal Aswar located at N-9, CIDCO, Aurangabad. On that day, her mother Chitra Dinesh Dakre was all alone in the flat. When Dinesh Dakre returned to that flat at about 11.15 a.m. of 02.12.2015, Chitra did not respond to his calls. Thereafter, the door was broken. Dead body of Chitra was found inside the hall of that flat. Hands of the dead body were found tied by nylon rope and neck was found slit by sharp edged weapon. During investigation, Narayan s/o. Rupchand Chape, a juvenile in conflict with law, came to be apprehended. On the basis of his confessional statement, a cutter came to be seized. His clothes were also recovered on the basis of his confessional statement.

5. Report of chemical analysis of seized clothes and cutter prima facie do not connect those articles with the crime in question. Blood was not found to be detected on these articles. On 04.03.2016, statements of Vishal Pandit and Chetan Chavan - both shop owners came to be recorded. Those statements shows that the applicant and the juvenile in conflict with law purchased a nylon rope and a cutter. This is the evidence which can be said to be available against the present applicant. Statements of both these witnesses are recorded on 04.03.2016 whereas the crime in question allegedly took place on

02.12.2015. Post event conduct of the juvenile in conflict with law reflected from statements of his friends, namely, Bholenath Chormare, Amit Mhaske, etc. does not leads us anywhere.

6. Though motive behind crime is stated to be robbery, nothing was found to be looted from the house in question.

7. Considering the nature of evidence available against the applicant in this serious crime, his further pre-trial detention is not warranted. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant / accused, in the above crime, be released on bail on his executing P.R. Bond in the sum of Rs. 30,000/- and on furnishing one or more solvent sureties of the like amount.

(c) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(d) The applicant shall not tamper with the prosecution evidence in any manner and shall

cooperate the learned trial Judge in expeditious disposal of the trial.

(e) The applicant shall not repeat commission of similar type of offences in future.

8. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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