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

CRIMINAL APPLICATION NO.6059 OF 2016

Ganesh Mohan Jagtap,
Age: 29 years, Occu: Labour,
R/o. Mohadi,
Taluka & District Dhule ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENTS

Mr A. S. Sawant, Advocate for applicant;
Mr R. V. Dasalkar, Addl. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 21st NOVEMBER, 2016

ORAL ORDER :

Heard.

2. By present application, present applicant seeks his release pursuant to his arrest in connection with Crime No. 1 of 2016 registered at Mohadi Nagar police station, Taluka and District Dhule for offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

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2. The applicant is brother of one Nilesh Jagtap, who was married to the daughter of one Bapu Jadhav. Same was love marriage. Due to which, said Bapu Jadhav was disturbed and used to remain under the influence of liquor. As per first information report, said Bapu Jadhav was found dead at his house with some ligature marks on his neck. Offence was accordingly registered against Nilesh Jagtap-present applicant and others. After completion of investigation, the charge sheet has been filed on 30th March, 2016. The applicant was arrested on 1st January, 2016.

3. It is submitted by the learned Counsel for the applicant that there are no eye witnesses to implicate the present applicant. It is submitted that the deceased was under the influence of liquor due to the marriage of his daughter against his wishes. He submitted that while granting bail to his brother and father, this Court on 8th June, 2016 in Criminal Application No. 2870 of 2016 had

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granted liberty to the present applicant to renew his request for grant of bail after report of Chemical Analyzer was received. He submitted that the said report has been received but same is inconclusive. It is, therefore, submitted that as the entire investigation is complete and charge sheet has already been filed along with report of Chemical Analyser, there is no material to connect the applicant with the crime in question.

4. The application is opposed by learned Additional Public Prosecutor. It is submitted that there are witnesses who have seen the present applicant with the deceased on the night of 30th December, 2015. He, however, does not dispute that the report in relation to rope seized from the applicant is inconclusive. He submits that considering the gravity of offence, the application deserves to be rejected.

5. Perused the first information report, charge sheet as well as report of the Chemical

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Analyzer. As per earlier order dated 8th June, 2016 the present applicant was granted liberty to renew his request after report of Chemical Analyzer was received. As per this report dated 6th June, 2016 result on analysis is shown to be inconclusive. In absence of any further evidence that would connect the applicant to the offence in question, the applicant has made out a case for his release on bail.

6. In the aforesaid, the applicant is directed to be release on bail with regard to his arrest in Crime No. 1 of 2016 registered at Mohadi Nagar Police Station, District Dhule for offence punishable under Section 302 read with Section 34 of the Indian Penal Code, on his executing P.R. bond of Rs.15,000/- with one surety in the like amount. The applicant shall not tamper with the evidence collected by the prosecution. The applicant shall attend the Court of Sessions as and when directed by the Sessions Court.

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7. Criminal Application is allowed on above terms and disposed of.

(A.S. CHANDURKAR, J.)

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