

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

CRIMINAL APPLICATION NO. 6839 OF 2015

1. Nivrutti s/o Jankiram Ghuge
 2. Babasaheb s/o Nivrutti Ghuge ...Applicants
- versus
- The State of Maharashtra ...Respondent

.....
Mr. B. R. Kedar, Advocate for applicants
Mr. S. Y. Mahajan, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 21st JANUARY, 2016

ORAL ORDER :

The applicants are seeking regular bail in Crime No. 68/2015 registered with Mantha Police Station, Dist. Jalna for the offence punishable under Sections 363, 364, 365, 302, 201 read with Section 34 of Indian Penal Code.

2. The prosecution case is that the deceased Parveen, divorcee was having physical relations with the son of applicant No. 1 Nivrutti namely Milind. It is claimed that Milind alongwith present applicants have killed Parveen.

3. Initially, the investigation was directed against Nivrutti only for an offence punishable under Section 363 of Indian Penal Code, however, upon secret inputs, the Investigating Officer has conducted an inquiry in the matter of disappearance of body of Parveen, however, nothing could be traced.

4. The prosecution alleged that, death of Parveen caused by Milind was within the knowledge of the applicants and as such, the applicants are also implicated as accused in crime in question.

5. Mr. Kedar, learned Counsel for the applicants, while trying to make out case for grant of regular bail would urge that, the investigation in the matter is complete and chargesheet is filed. According to him, further detention of the applicants in the matter is not necessary, as the entire case of the prosecution is based on circumstantial evidence. He would submit that in absence of detection of remains of Parveen, it is really hard to believe that the applicants have tried to screen main offender Milind and have committed an offence punishable under Section 201 of Indian Penal Code.

6. Perused the investigation papers.

7. The learned A. P. P. has strenuously opposed the application on the ground that there was common intention as Section 34 of Indian Penal Code is added. According to him, the application is liable to be rejected.

8. In the above referred background, fact remains that the applicants were arrested only on suspicion and investigation in the matter is already complete. Applicant No. 1 is of 65 years old man. On the basis of weak circumstantial evidence, it is really hard to continue detention of the applicants. In that view of the matter, the application stands allowed. Hence the following order.

Applicants be released on bail, in connection with the Crime No. 68/2015 registered with Mantha Police Station, Dist. Jalna for the offence punishable under Sections 363, 364, 365, 302, 201 read with Section 34 of Indian Penal Code, upon executing P. R. Bond of Rs. 15,000/- with one surety in the like amount, by each of them.

9. The application is allowed in above terms.

[N.W. SAMBRE, J.]