

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

CRIMINAL APPLICATION NO. 2280 OF 2017

Sanjay Laxman Madhe **... Applicant**
Age 28 years, Occu: Agril.
R/o Nagapur Wadi, Pallshi
Tq. Parner Dist. Ahmednagar

VERSUS

The State of Maharashtra **... Respondent**
(Through Police Station Parner,
Dist. Ahmednagar).

Mr. Rajendra K. Temkar, Advocate for the applicant
Mr. A. A. Jagatkar, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 30th June, 2017

ORDER:

1. Heard Mr. Temkar, learned counsel for the applicant and Mr. Jagatkar, learned APP for the State.

2. This application is filed under section 439 of the Criminal Procedure Code for bail in connection with Crime No.I-200/2016, registered with Parner Police Station Tq. Parner Dist. Ahmednagar for the offences punishable under Sections 302, 201 of the Indian Penal Code.

3. Nanda Vishal Madhe, sister of deceased Vandana, lodged a complaint with Parner Police Station on 16.08.2016 alleging that on 11.08.2016, at about 8.00

a.m. she received a phone call from his maternal uncle namely Uttam Jadhav, enquiring about Vandana by saying that yesterday she went with Sanjay Madhe i.e. the present applicant on his motorcycle. He enquired with the father of the informant, whether Vandana came to their house. On which, her father said that Vandana did not come. On 15.08.2016, dead-body of unknown lady was found and since Vandana was missing from 10.08.2016, they were suspecting about her death and complaint was lodged the present applicant on suspicion that he might have committed murder of Vandana for unknown reason.

4. Learned counsel appearing for the applicant submits that there is no circumstantial evidence against the present applicant and its chain is not complete. Even evidence collected by the Investigating Officer about the 'last seen together' is also not helpful and satisfactory. The learned APP points out that the location of the mobile of the present applicant was traced in Gat No. 438 of village Khadakwadi. The learned counsel appearing for the applicant points out that the dead body was found in a valley of the forest, which is not numbered as Gat No. Therefore, it cannot be said that location of mobile of

the present applicant was near the spot where dead-body was recovered, on the date and time of the alleged incident.

5. I have gone through the statement of witnesses. Evidence of witness namely Indubai Kale, before whom deceased Vandana disclosed that she was to go with Sanjay i.e. the present applicant as her mobile was given to him for repair. At that time, at about 6.00 p.m., the witness noticed the applicant Sanjay coming on his motorcycle by the road. On perusal of the statement of Uttam Jadhav, maternal uncle of Nanda, who has stated that Vandana vent out of the house by saying that present applicant is waiting outside and she is going with him to take her mobile. After investigation, charge-sheet is filed.

6. On perusal of the entire statements of the witnesses and the circumstances that are appearing from the papers of investigations, no connecting circumstance or other circumstantial evidence completing the chain of the circumstance is appearing.

7. In view of the above, I am of the opinion that the applicant is entitled for bail. Hence following order:

O R D E R

- i. The applicant shall be released on bail in connection with Crime No.I-200/2016, registered with Parner Police Station Tq. Parner Dist. Ahmednagar, on his furnishing personal bond of Rs.25,000/-(Rupees twenty five thousand) with one solvent surety of like amount.
8. Criminal application is disposed of.

(K. L. WADANE, J.)

JPC