

CRIMINAL APPLICATION NO. 2460 OF 2017

VERSUS

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DATED : 17th JULY, 2017

ORDER :

Heard Mr. S.S.Bora, learned counsel appearing for the applicant and Mr. A.A.Jagatkar, learned A.P.P. for the respondent.

2. One Sharad Mare lodged report to the police station on 17.10.2016 stating therein that he along with other police officers were in search of one accused in connection with Crime No. 243 of 2016. In search, they went to the premises which is behind Shraddha Construction Company in the open plot belonging to one Madhav Kalyankar, there were cement pipes kept and in one of the pipes

they found dead body of unknown woman aged about 25 to 30 years. They also noticed that dead body was having a pink and white Salvar and black leggin. They also noticed that Odhani was wrapped around the neck of the dead body. It is also contended that they found a knife and blood stained earth near the spot.

3. In view of above information, Crime No. 245 of 2016 was registered at Bhagyanagar police station, Nanded for the offence punishable under Section 302 of the Indian Penal Code.

4. Mr. Bora, learned counsel submits that there are two statements of witnesses namely Prafulla Kamble and the daughter of deceased namely Rajnandini. Even if the statements of above witnesses are accepted to be true, then at the most there is evidence against present applicant that deceased was lastly seen in the company of accused. He had taken the deceased on his motor cycle. Mr. Bora, learned counsel submits that there are no other connecting circumstances, such as recovery of weapon,

recovery of blood stained clothes of accused or whether accused has pointed out where the dead body was lying. In absence of further chain of circumstances, the circumstance that deceased was found in the company of present applicant is not sufficient to prove guilt against the applicant.

5. As against this, learned A.P.P. submits that there was recovery of motor cycle at the instance of present applicant. In view of rival submissions of both the sides, it reveals that the only circumstance that deceased was lastly seen in the company of the present applicant, prima facie, appears to be not sufficient to establish the charge of murder against the applicant unless there are other circumstances on record. The death of deceased was due to smothering. Therefore, attachment of knife having blood stains has no relevance with the cause of death.

6. In view of the above circumstances, I am of the opinion that the applicant can be released on bail by putting certain conditions.

7. Hence, the following order.

- (i) Criminal Application is allowed.
 - (ii) Applicant shall be released on bail in connection with Crime No. 245 of 2016, registered with Bhagyanagar police station, Nanded, on furnishing P.R. bond of Rs. 25,000/- with one surety in the like amount.
 - (iii) Applicant shall not tamper with the evidence of prosecution in any manner and shall not contact the material witnesses namely Prafulla Kamble and Rajnandini.
 - (iv) Applicant shall not enter the area of Hanumangad at Nanded till conclusion of trial.
8. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm