

3 Perused the record and charge-sheet. The record indicates that initially after noticing the dead body of deceased Amar, his father namely Chandrakant Ingawale gave information to Pimpri Police Station on 01.11.2016 about the commission of offence against unknown persons and thereafter, the statement of first informant Smt. Poonam Ingawale i.e. wife of deceased Amar was recorded as First Information Report by the police. In the First Information Report, the first informant has stated that on 31.10.2016 at about 11.00 p.m. when she was passing through Santoshimata Mandir, Gandhinagar, Pimpri, Pune, she saw the Applicant along with other accused persons sitting on the opla of the said temple and they were chitchatting. She overheard their conversation that they have killed Amar in a dilapidate bungalow near H.A. Colony and it may come to the knowledge of people from the locality and therefore, the said body has to be removed. Thereafter, she went to the father of Amar in the morning and informed the said fact to him. The present crime is thereafter registered at about 2.15 p.m. on 01.11.2016.

4 It is to be noted here that, though the first informant has categorically mentioned the fact about hearing of conversation amongst accused persons near Santoshimata Mandir, the said vital aspect is missing from the statement/information provided by her father-in-law Chandrakant Ingawale to the police on 01.11.2016, which prima facie appears to be prior in point of time. Though the wife of deceased had overheard conversation of accused persons in

the night on 31.10.2016, she did not report the said fact to her father-in-law or to the police immediately and has reported the same to police on next date as noted above. Apart from the said piece of evidence, the other circumstances stated against the Applicant, are last seen together and recovery of clothes of all the accused persons and wooden rod at the instance of Applicant under Section 27 of the Evidence Act. As far as, the circumstance of last seen together is concerned, it appears that the said witness on 29.10.2016 at about 10.00 a.m. had seen the Applicant in the company of the deceased. That the dead body of deceased Amar was found at about 8.00 am on 01.11.2016 in the said dilapidate bungalow. It prima facie appears that there is a substantial gap of time between last seen and finding of dead body of the deceased and it is for the prosecution to co-relate the same at the time of trial. The last circumstance which is propounded against the Applicant, is of recovery of clothes as noted hereinabove. It prima facie appears that there are no blood stains found on the clothes of the Applicant. It prima facie appears the said circumstance is weak in nature.

6 In view of the above, the Applicant can be released on bail.

Hence, the following order:

- i) The applicant be released on bail in CR No.620/2016 registered with Pimpri Police Station, District Pune on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- ii) After his release from jail, the applicant shall attend Pimpre Police

Station once in month i.e. on every 1st Monday of the month between 11.00 a.m. to 2.00 p.m. initially for the period of six months and thereafter, once in three months i.e. first Monday of every third month till conclusion of trial.

iii) The applicant shall also attend all dates before the Trial Court.

iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

v) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

(vi) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)