

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.842 OF 2017

Shubham Rajendra Gedam

..vs..

The State of Maharashtra, thr. PSO PS Nagbhid, Tahsil Chandrapur District
Chandrapur

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

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Shri M.N. Ali, Counsel for the applicant.

Shri J.Y. Ghurde, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 20, 2017.

1. The applicant is arrested on 5.5.2017 in connection with Crime No.137 of 2016 registered with Police Station Nagbhid, Chandrapur for the offences punishable under Sections 302, 201, and 315 of the Indian Penal Code.

2. The investigating officer has already completed his entire investigation and the final report is filed before the Court of law.

3. It is informed to the Court by learned counsel for the applicant as well as by learned Additional Public Prosecutor for the State that though the case is committed to the Court of Sessions, till today the charge is not framed and there is no possibility of taking the Trial in near future.

4. Deceased is one Sushma. Even, according to the prosecution, entire case of the prosecution is based on

circumstantial evidence. The prosecution has filed its histopathology report on record. As per learned Additional Public Prosecutor Shri J.Y. Ghurde for the State, *prima facie* from the said report, for decision of this bail application only it cannot be pressed into service.

5. The prosecution is relying on the circumstances such as (i) noticing the presence of the applicant near the heap of weed from where ultimately the dead body of Sushma was retrieved and (ii) the injury on the applicant's hand and Call-Detailed-Report.

Insofar as first circumstance is concerned, the prosecution is relying upon the statement of Gajanan which is recorded after a period of 2 days after the body was found. Even according to the prosecution case, there was love in between applicant and deceased, in the light of same at least for decision of this application for bail much importance cannot be attached to CDR reports. Further, insofar as injury to the hand of applicant, it is open to him to offer explanation when he will be examined under Section 313 of the Code of Criminal Procedure.

6. Since the entire case is based on circumstantial evidence and the investigation, in respect of each of circumstances, is already over and even according to the prosecution, when there is a least possibility of taking the Trial for its decision in near future, I am of the view that the applicant, who is languishing in jail since 5.5.2017, can be

released on bail by imposing certain conditions on him. Hence, I pass the following order :

ORDER

i) The criminal application is allowed.

ii) The applicant be released on bail on his executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount in connection with Crime No.137 of 2016 registered with Police Station Nagbhid, Chandrapur for the offences punishable under Sections 302, 201, and 315 of the Indian Penal Code.

iii) The applicant shall attend the police station once in a week i.e. on every Sunday in between 3:00 p.m. to 5:00 p.m., till culmination of the Trial.

iv) The observations made in this order are only of decision of this application.

v) With this, the criminal application is disposed of.

JUDGE

!! BRW !!

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