

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

CRIMINAL APPLICATION (BA) NO.987 OF 2017

Mehboob s/o Madan Choudhari, R/o Pasarni, Tq. Karanja, Dist. Washim

-vs-

State of Maharashtra, Thr. PSO, PS Karanja City, Tq. Karanja, Dist. Washim

WITH

CRIMINAL APPLICATION (BA) NO.988 OF 2017

Jumma Kasam Garve, R/o Pasarni, Tq. Karanja, Dist. Washim

-vs-

State of Maharashtra, Thr. PSO, PS Karanja City, Tq. Karanja, Dist. Washim

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

Court's or Judge's Orders.

Shri S. D. Chande, Advocate for applicants.

Shri K. L. Dharmadhikari, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : November 02, 2017

The applicants have been arrested in connection with Crime No.159/2017 registered with Police Station Karanja City, Dist. Washim for the offence punishable under Sections 302, 201 read with Section 34 of IPC. Hence they seek their release on bail.

As per the First Information Report dated 05/05/2017 the brother of the informant was found missing on the previous day. According to the informant his brother had left the village in connection with some work and as he had not returned his search was taken. The dead body of said brother was found and it was noticed that he had been strangulated. Accordingly a crime came to registered. Applicant Mehboob was arrested on 18/05/2017 while applicant Jumma was

arrested on 22/05/2017.

It is submitted on behalf of the applicants that merely on the basis of suspicion the applicants have been arrested. As per the documents filed along with the charge-sheet, the call detail records indicate conversation between the applicant Mehboob with the deceased on 04/05/2017 at about 1.40 pm. There is also conversation between both the applicants. The only material against the applicant Mehboob is the diary of the deceased that was recovered under Section 27 of the Indian Evidence Act. There are no eye-witness and the case is based on circumstantial evidence. It is submitted that as the investigation is now complete and charge-sheet is also filed, the applicants deserve to be enlarged on bail.

The applications are opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that the call detail records indicate conversation between the applicants and the deceased. Recovery of diary of the deceased at the instance of applicant Mehboob indicates his involvement. The offence was carried out in a well planned manner and therefore considering its seriousness the applicants do not deserve to be enlarged on bail. The informant has moved an application No.1785/2017 for assisting the prosecution which application is allowed and the learned counsel has also been heard.

Perused the First Information Report as well as the documents filed alongwith the charge-sheet. The case of the

prosecution is based on circumstantial evidence. In so far as applicant Mehboob is concerned, a diary of the deceased has been seized at his instance on 22/05/2017. The call detail records indicate various conversations after the conversation between the said applicant and the deceased. There are no eye-witnesses to indicate presence of the applicants with the deceased. I find that as the investigation is now complete and charge-sheet has been filed, a case has been made out for release of the applicants on bail.

Accordingly, the applicants who have been arrested in connection with Crime No.159/2017 registered with Police Station Karanja City, Dist. Washim for the offence punishable under Sections 302, 201 read with Section 34 of IPC are directed to be released on bail on furnishing PR Bond of Rs.20,000/- (Rupees Twenty Thousand) each with one surety each in the like amount.

The applicants shall attend the concerned police station on 04/12/2017 and thereafter as per the directions of the Investigating Officer.

The applicants shall co-operate in completion of the trial. They shall not take any steps to influence the prosecution witnesses.

By clarifying that the observations made in this order are only for deciding present applications, the same are allowed and disposed of.

JUDGE