

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1998 OF 2018

Ravindra Dhula Shendge

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Rahul Dhaygude for the Applicant.

Mr. Rajan Salvi APP for the State.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : SEPTEMBER 27, 2018.

P.C.

1. This is an application for bail under Section 439 Cr.P.C. filed by the aforesaid applicant, who has been arrested in C.R.No. 108 of 2018 registered with Vai Police Station for offences under Section 302, 201 r/w. 34 of IPC.
2. Heard Mr. Dhaygude, the learned Counsel for the applicant and Shri Salvi, the learned APP for the State.
3. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.
4. The records prima facie reveal that dead body of a lady aged

between 24 to 28 years was found in a stream on a plateau near Mandhardeo Road. There were three injuries on the body. The police were informed, they conducted the inquest panchanama and sent the body for post-mortem. The first information report was lodged by Abhijit Chavan, Police Constable attached to Vai Police Station against unknown person for causing death of the said unknown lady. The identity of the said lady was subsequently established as Banu. In the course of the investigation, the applicant and other to co-accused were arrested.

5. The learned APP concedes that the case of the prosecution is not based on any direct evidence and that it is based only on circumstantial evidence. He concedes that the only evidence against the applicant is in the form of statement of Jivan Mandre. A perusal of the said statement reveals that said Jeevan Mandhre was employed at a hotel at Mandhardev, Vai. He had stated that on 14th April, 2018 at about 11.00 a.m. while he was on duty, one person who was approximately about 30-32 years of age, who had stated his name as Lavthenath Bada had come to the hotel with a girl who was 20-22 years of age. The said person had given his Aadhar Card and

mobile number as proof of his identity. They claimed to be a married couple and had told that they had come to offer prayers in the nearby temple. They wanted to book a room only to freshen up. This witness states that he had given them room No.102 and that the said couple had stayed in the room for about 1 -2 hours and thereafter paid the bill and left the hotel. He has stated that two other persons had come on a motor-cycle and had met the said couple near the hotel. He had seen them talking for some while.

6. This witness was subsequently shown the CCTV footage of Mandhardev Devasthan Trust Office, and upon seeing the said CCTV footage he had identified the accused no.1 as well as the deceased as the couple who had come to the hotel on 14th April, 2018. Subsequently, in the identification parade held on 21st April, 2018 he had identified this applicant as one of the persons who had come on the motor-cycle and was seen talking to the said couple near the hotel.

7. The statement of this witness, at the most would show presence of the applicant near the hotel on 14th April, 2018 during afternoon hours. The learned APP concedes that apart from the said

statement, there is no prima facie material to link the applicant with the said crime.

8. In my considered view, prima facie the said statement would not per se show involvement of the applicant in commission of the crime. The applicant is a permanent resident of Malshiras, District Solapur and there is no possibility of the applicant absconding or thwarting the course of justice. The applicant has no criminal antecedents.

9. Considering the above facts and circumstances, in my considered view, this is a fit case for releasing the accused on bail. Hence, the order:-

- (i) The application is allowed;
- (ii) The applicant who has been arrested in C.R.No. 108 of 2018 registered with Wai Police Station, is ordered to be released on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the learned Addl. Sessions Judge, Satara;

- (iii) The applicant shall report to the Investigating Officer or the Senior Police Inspector, Wai Police station on the first Monday of every month until further orders;
- (iv) The applicant shall not tamper with the evidence in any manner;
- (v) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer and in the bail bond;
- (vi) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(ANUJA PRABHUDESSAI, J.)