

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

CRIMINAL APPLICATION (BA) NO.17/2018

Ashish s/o Rushi Landge

..VS..

The State of Mah., thr. PSO PS Pusad (City), District Yavatmal

.....
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 R.M. Daga, Counsel for the applicant.
Shri T.A. Mirza, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.
DATED : JANUARY 18, 2018.

1. Heard learned counsel Shri R.M. Daga for the applicant and learned Additional Public Prosecutor Shri T.A. Mirza for the State.
2. The applicant, who is arrested in connection with Crime No.46 of 2017 registered with Police Station Pusad (City), District Yavatmal for the offence punishable under Section 302 of the Indian Penal Code, has filed this application for his enlargement on bail.
3. The investigation is over and the charge-sheet is already filed.

4. Deceased is one Vaishali Kewal Katkar.

5. In the entire prosecution case, there is no eyewitness account. Further, there is nothing in the entire charge-sheet that the applicant was lastly seen in the company of the deceased.

6. According to the prosecution, the applicant under the influence of liquor came to the police station on 30.1.2017 and in the presence of police constables Motiram Jadhao, Sachin Pawar, Raju Ranmale, and Sachin Malaye made a statement that he has committed a murder of Vaishali.

7. Though this information was received, first information was not registered by any of those 4 police officers as they were present in the police station.

8. The applicant was arrested in the police station itself. One person was sent for the search of the relative of deceased and accordingly Sukhdeo Tukaram Waghmare, one of relatives, came and he identified the dead body and, thereafter, on his report a crime was registered.

9. Though according to the prosecution, the applicant has uttered and disclosed in the police station that he has committed a murder of Vaishali on 30.1.2017, for the reasons best known to the police officers, the statements of those police officers, who were discharging their duties in the very same police station, recorded on 27.2.017. Thus, there is unexplained delay at least *prima facie* about their recording of their statements.

10. Further, the applicant was arrested on 1.2.2017. However, his clothes are seized on 6.2.2017. The weapon was found lying on the spot of the incident. Thus, there is no recovery at the behest of the applicant.

11. In that view of the matter and when the charge-sheet is already filed, in my view, the applicant has made out a *prima facie* case for bail. Hence, I pass the following order:

ORDER

(a) The criminal application is allowed.

(b) Applicant Ashish s/o Rushi Landge, 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.46 of 2017 registered with Police Station Pusad (City), District Yavatmal for the offence punishable under Section 302 of the Indian Penal Code.

(c) It is Needless to state that the observations made in this order are purely for deciding the application for grant of bail only and learned Judge of the Court below, who shall be trying the Case, shall not get influenced by the observations made in this

order.

**(d) With this, the criminal application is allowed
and disposed of.**

JUDGE

!! BRW !!

...../-