

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

CRIMINAL APPLICATION (BA) 667 OF 2018

(Navnath s/o. Maroti Tijare..vs..The State, thr PSO, PS Wadner, Dist. Wardha)

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

Court's or Judge's orders.

Shri R.M. Daga, counsel for applicant.
Shri T.A. Mirza, APP for non-applicant.

CORAM: ROHIT B. DEO, J.

DATE: 18th July, 2018.

Heard.

2 The applicant is arrested in Crime 457 of 2017 registered with Police Station Wadner for offence punishable under section 302 of the Indian Penal Code.

3 The case of the prosecution is that the wife of the applicant Shubhangi was pushed in the well on 3.11.2017. Her body is recovered on 4.11.2017 and death due to drowning is the opinion recorded in the post mortem report.

4 Shri R.M. Daga, the learned counsel points out that it is not even the case of the prosecution that the applicant harassed or illtreated Shubhangi. At any rate, the applicant is not charged with offence punishable under section 498-A of the Indian Penal Code or any provision other than section 302 of the Indian Penal Code.

5 Prima facie, it appears from the chargesheet that the prosecution is relying on the statement of the son of the applicant and deceased Shubhangi. Perusal of the said statement would reveal that the last seen theory may not be

available to the prosecution. This of course is a prima facie observation. Other than the said statement of the child, there does not appear to be any cogent material on record for this Court to deny bail to the applicant, who is in custody since 5.11.2017.

6 The application is allowed.

7 The applicant shall be released on furnishing personal bond of Rs. 15,000/- with a solvent surety of like amount.

8 The applicant shall not tamper with the evidence nor shall he attempt to influence the witnesses in any manner.

JUDGE

RSB