

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

CRIMINAL BAIL APPLICATION NO. 719 OF 2019

Datthatray Baban Jadhav	...Applicant
Vs.	
State of Maharashtra	...Respondent

- Mr. Balasaheb R. Deshmukh, Advocate for the Applicant.
- Mr. Prashant Jadhav, APP for the State.

CORAM : SARANG V. KOTWAL, J.
DATE : 2nd AUGUST, 2019

P.C. :

1. The applicant is seeking his release on bail in connection with CR No. 327/18 dated 18th August 2018 registered at Khed Police Station, Pune under Section 302 of the IPC.
2. The FIR was lodged by one Yogita, sister of deceased Yogesh. She has stated in her FIR that they had lost their parents and the deceased was staying alone. Deceased was having a baby-corn agency at Chas. He used to purchase corn from farmers. He used to give seeds to them and in return he used to purchase fully grown corns. He had four employees namely Manoj Muluk, Pawan Muluk, Balu Muluk and driver Akshay Talekar working with him.

The FIR mentions that there was some dispute between the deceased and Balu. The FIR also mentions that one Kishore Shelke had some dispute in respect of the business of the deceased Yogesh.

3. On 18th August 2018, the deceased was found hanging in his room with a cloth in his mouth. His hands were tied with wire. Therefore, the informant lodged the FIR expressing her suspicion against aforesaid employees of the deceased as well as Kishore Shelke and Tukaram Waghmare. Tukaram Waghmare was uncle of the deceased.

4. The investigation was conducted. The applicant was arrested on 11th September 2018 and since then he is in custody. The prosecution case is that the applicant's daughter was having love affair with the deceased and the applicant was opposed to their friendship. It is alleged in the prosecution case that the present applicant, therefore, committed murder of the deceased.

5. Heard, Mr. Deshmukh, learned counsel for the applicant and Mr. Jadhav, learned APP for the State.

6. With their assistance, I have gone through the entire charge-

sheet annexed to the application. The learned counsel for the applicant submitted that perusal of the entire charge-sheet does not show any reliable evidence connecting the present applicant with the alleged offence. Except the suspicion that the applicant was holding grudge against the deceased because of his love affair with the applicant's daughter, there is no other material in the entire charge-sheet. There are no eye witness to the incident. There is not even a piece of circumstantial evidence against the present applicant.

7. Learned APP could not controvert these aspects. The statement of the daughter of the applicant shows that she was having some friendship with the deceased and her father had told her not to continue it. Beyond that she has not stated anything. One Parvati Bhujbal, who was an aunt of the deceased had stated that applicant had once abused the deceased and had threatened him because of his affair with the applicant's daughter. But she has not given any details of such incident. Same story is repeated by another aunt Kalpana Abhang. Besides that there is no witness who had even expressed suspicion against the present applicant.

8. Learned counsel for the applicant rightly pointed out the statements of Manoj Muluk, Pranav Muluk and Prashant Muluk. All these witnesses have stated that the business of the deceased was in good shape. He was earning good profit. One Pappu Bhalshinge was annoyed with the deceased because the deceased had recovered the money which was due from Pappu Bhalshinge. The deceased had not given any seeds or any product or goods to Pappu and therefore Pappu was holding serious grudge against the applicant.

9. Besides this, there is another circumstance of finding of a chit at the spot where the deceased was hanged. It was mentioned in the chit that whoever was manipulating the market of corns would meet the same fate. He, therefore, submitted that the offence was committed out of business rivalry. The present applicant has absolutely no connection with the business of the deceased. Deceased has undoubtedly meet with homicidal death. The cause of death was asphyxia due to hanging. Thus, apart from suspicion expressed against the present applicant, because of love affair of his daughter with the deceased, there is absolutely no

material connecting the present applicant with the alleged offence.

These submissions are not controverted by the learned APP.

10. In this view of the matter, I am inclined to grant bail to the applicant. Hence, the following order.

ORDER

(I) The applicant is directed to be released on bail in connection with C.R. No. 327/18 dated 18th August 2018 registered at Khed Police Station, Pune, on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

(ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)