

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.795 OF 2019

Sukraj Dagadu Temghire

Applicant

versus

The State of Maharashtra

Respondent

Mr.Sayaji D. Nangre for applicant.

Mr.Prashant Jadhav, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 8th November 2019

PC :

1. This is an application for bail in CR No.103 of 2018 registered with Jejuri Police Station for offence u/s 302 of IPC.

2. It is the case of applicant that the deceased started staying near Bhuleshwar temple at Om Shakti Mutt since last six months. On 4-5-2018 the deceased went to Ganesh Temgire house for performing certain rituals and returned on 5-5-2018. On 7th May 2018, the complainant received call from his cousin Devidas that his grandfather (deceased) has passed away in Mutt. The complainant reached the said place and saw deceased having sustained injuries. FIR was lodged against unknown persons. The applicant was arrested on 20-5-2018.

3. In the supplementary statement the complainant had alleged that the applicant used to insist upon deceased to sell one acre land towards his share on 4-5-2018. There were arguments between deceased and applicant. The deceased was the father of applicant.

There is no eye witness to the incident. The case is entirely based on circumstantial evidence.

4. Learned APP submitted that there is recovery of weapon from the house of applicant which contains blood stains. It is further submitted that during the course of investigation statement of witness Vilas Temgire was recorded, who has stated that on 6-5-2018 he had seen applicant coming from Bhuleshwar side on a motorcycle. Similar statement was also made by another witness Anil Temgire on 24-5-2018.

5. The applicant was arrested on 20-5-2018. On completing investigation charge sheet is filed. Learned APP pointed out CA report which indicate that there was human blood stains on the axe. However, the blood group has not been determined. The statement of the witnesses who had seen the applicant coming from the side of Bhuleshwar Temple was recorded on 24-5-2018. The case is based on circumstance that there was dispute between applicant and the deceased who was his father. However, prima facie, there is no strong evidence except the circumstance as stated above. There are no antecedents against applicant. Hence, case for grant of bail is made out. Hence, I pass following order :

ORDER

(i) Criminal Bail Application No.795 of 2019 is allowed and disposed of;

(ii) The applicant is directed to be released on bail in connection with CR No. 103 of 2018 registered with Jejuri Police Station, on his

furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall report Jejuri Police Station once in a month on every first Saturday between 10 and 12 noon till further orders;

(iv) The applicant shall not tamper with evidence.

(PRAKASH D. NAIK, J.)

MST