

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1977 OF 2019

Sudhir Dhanpal Chougula] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Anand Patil, Advocate for the Applicant.

Mr. S.H. Yadav, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 27th AUGUST, 2019.

P. C. :-

1. The applicant is seeking his release on bail in connection with C.R.No.16/2019 registered with Murgud Police Station, District Kolhapur u/sec. 302, 201 r/w 34 of I.P.C.

2. The FIR was lodged by Police Patil of village Bastavade, Taluka Kagal, Dist. Kolhapur. It is mentioned in the FIR that, the villagers had found dead body floating in the river Vedganga near their village. A lady was murdered and therefore, this FIR was lodged on 24/01/2019. The investigation was carried out and the prosecution story is that, the deceased was one Tayyava. She had gone with Accused No.1

Saraswati Ghatage. The deceased had given Rs.4 Lakhs by way of loan to Accused No.1. The loan was not repaid and there used to be regular disputes between both of them. It is alleged that on 19/01/2019, Accused No.1 Saraswati called her on some pretext, gave her some substance because of which she lost consciousness and thereafter she strangulated and murdered the deceased. It is alleged that, the present applicant helped Accused No.1 in carrying the dead body in his car and throwing it in the river. The prosecution story itself shows that, the main allegations are against Accused No.1 and at the highest the present applicant has associated her. The prosecution case is not that, the applicant in any manner helped Accused No.1 in committing the murder.

3. The applicant is arrested on 30/01/2019 and since then he is in custody. The investigation is over and the charge-sheet is filed. The charge-sheet shows that, there was recovery of a bottle containing some substance which was used by the Accused No.1. That recovery was at the instance of Accused No.1. From the present applicant, there is no recovery. However, one Indica Car was produced by the applicant's son. There was nothing incriminating in respect of that car.

4. Heard Mr. Anand Patil, Ld. Counsel for the Applicant and Mr.S.H. Yadav, Ld. APP for the State/Respondent.

5. Ld. Counsel for the applicant submitted that, there is absolutely no material against the present applicant and at the highest the prosecution case does not travel beyond Section 201 of I.P.C. against the present applicant.

6. Ld. APP resisted the grant of bail on the ground that the offence was serious.

7. I have considered these submissions. I have perused the charge-sheet annexed to this application. There are statements of witnesses like Santosh Kadam who was son of the deceased. He had seen the deceased leaving his house with Accused No.1 Saraswati on 19/01/2019 at about 5.00 p.m. Since then the deceased never returned. Therefore there is circumstance of "last seen together". Another witness Nagamma Modagi had also seen the deceased leaving with Accused No.1 on that day at that time. She had made a reference to the quarrel which used to take place between the deceased and

Accused No.1. Perusal of the entire charge-sheet shows that the evidence is directed only against Accused No.1. There is hardly any role against the present applicant, therefore applicant deserves to be released on bail. Hence, the following order.

ORDER

1. The Applicant is directed to be released on bail in connection with C.R.No.16/2019 registered with Murgud Police Station, District Kolhapur, on his furnishing P.R.Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)