

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

BAIL APPLICATION NO. 2131 OF 2018

Lakhan Balaji Waghmare	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Aniket Nikam i/b Mr. Aashish Satpute for the Applicant.
Mr. S.H. Yadav, A.P.P. for the Respondent – State.
Mr. V.M. Kumbhar, Chakan Police Station, Pune, present.

CORAM : P.N. DESHMUKH, J.

DATED : 3rd APRIL, 2019.

P.C. :

1 Heard learned Counsel for applicant and learned A.P.P. Perused the charge-sheet. In compliance to earlier order dated 15.03.2019 prosecution has produced C.A. report. Copy thereof is taken on record and marked 'X' for identification.

2 Learned Counsel for applicant submitted that in the entire charge-sheet there is absolutely no evidence involving applicant in the present crime nor the report lodged by father of deceased applicant who is brother of deceased Sheetal, is implicated in any manner. It is, however, submitted that according to the case of prosecution which is based on

circumstance only involvement of applicant is of recovery of blood stain axe and his clothes at his instance out of which clothes are discovered from cupboard in his house in Latur District while axe is discovered from open space in a field. By the referring to the statements on record it is pointed out that they do not implicate applicant and according to the C.A. report, it is submitted that said documents also do not put forth case of prosecution any further. In the circumstances application is prayed to be allowed.

3 In view of case of prosecution of applicant's involvement, merely on the basis of recovery of blood stain axe and his clothes which are seized at his instance, perusal of requisition letter to C.A. Pune refers to one axe and clothes being T-shirt and full pant seized at the instance of applicant to be stained with blood. Perusal of C.A. report however, would reveal that no blood is detected on any of these articles nor blood group of deceased could be determined as the result inconclusive. In that view of the matter, only piece of evidence which is relied by prosecution against applicant is of seizure of article at the instance of applicant, is of no consequence at all.

4 Apart from above limited evidence, there is absolutely no evidence against applicant as from the statement of witnesses it has come on record that on 25.06.2017 at about 11.30 a.m. when deceased went to

answer the nature's call, she was assaulted by some unknown person by sharp weapon on her head causing her death. In the light of available evidence against applicant as discussed above, application is allowed.

ORDER

i) Applicant in C.R. No.603 of 2017 registered with Chakan Police Station, Pune, for the offence punishable under Section 302, 201 of I.P.C. shall be released on bail on executing P.R. Bond in the sum of Rs.50,000/- with one surety in the like amount;

ii) Applicant shall attend Chakan Police Station, Pune, quarterly on the first day of each such month pending trial.

(P.N. DESHMUKH, J.)