

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

CRIMINAL BAIL APPLICATION NO. 3061 OF 2018

Rajan Mangaruram Jaiswar

.... Applicant

Versus

The State of Maharashtra

.... Respondent

- Mr. S. S. Mishra, I/b. Pratiksha Agarwal, Advocate for Applicant.
- Smt. A. A. Takalkar, APP for the State/Respondent.
- Mr. S. A. Chavan, API, Pimpri Police Station present.

CORAM : SARANG V. KOTWAL, J.

DATE : 28th AUGUST, 2019

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.565/17 registered with Pimpri Police Station, under sections 302 and 201 of the Indian Penal Code.

2. The applicant is arrested on 19/10/2017 by API Gajanan Kadfale, attached to Pimpri police station. The police received an information that a dead body in gunny bag was found in the nala behind Annasaheb Magar Stadium, Pimpri. The body was taken out. It was found that there was skull fracture. It was

apparently a case of homicide, therefore, FIR was lodged. The investigation was carried out. The identity of the dead body was established as that of one Pramila Jaiswar. The dead body was identified by her nephew Jaisingh Gautam. The investigation was carried out and the charge-sheet is filed. The prosecution case is that the deceased Pramila was having matrimonial dispute with the applicant's brother Rohit @ Vinod. The applicant's brother with the help of present applicant committed her murder by assaulting her with iron rod. On this basis the charge-sheet is filed. The chargesheet contains statements of various witnesses. One Chabubai has stated that on 24/09/2017 at around 8.00p.m. she had seen the deceased and her husband Vinod going towards the dispensary as their relative Jaisingh was not well. This witness was requested to look after their young child who was in the house. On 25/09/2017 at around 8.30p.m. this witness had seen the accused Vinod standing alone near his house. Since 24/09/2017 deceased was not seen.

3. The other neighbour Sunita Thakur has stated that deceased was telling her that she was not residing with her

husband and, therefore, she had initiated court proceeding at Azamgad against her husband and his relatives. She has further stated that present applicant was also harassing her on that count. Besides these statements, there is a statement given by the present applicant on 24/10/2017, pursuant to which clothes were recovered from near the nala. These are the only statements relevant in respect of the present applicant.

4. Heard Shri. Mishra, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.

5. Learned counsel for the applicant submitted that in the entire charge-sheet there are no incriminating statements against the present applicant. The case is based on circumstantial evidence and there is no single circumstance against the present applicant. Learned APP, though, opposed this application she also could not point out any other material against the present applicant except the statements which are referred herein above. I have considered these submissions. The cause of death mentioned was due to head injury, so obviously, deceased had died homicidal death. There was dispute between the deceased and her husband and there is

circumstance of 'last seen together' as far as applicant's co-accused Vinod is concerned. However, against the present applicant, there is no single incriminating piece of evidence except vague allegation that he was also harassing the deceased. The clothes recovered at his instance could not be connected with the murder because there is no connecting C.A. report that there were any blood stains on the clothes. In view of this matter, since there is no incriminating circumstances against the present applicant worth mentioning, he deserves to be released on bail.

6. Hence, the following order :

ORDER

- (i) In connection with C.R. No.I 565 of 2017 registered with Pimpri Police Station, the applicant is directed to be released on bail 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.)