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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 3334 OF 2018**

Bajirao Gotiram Sangle

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. Gajanan M. Savagave advocate for the applicant

Mr. S. S. Hulke APP for the State

CORAM : NITIN W. SAMBRE, J.**DATE : JANUARY 9, 2019.****P.C.**

On 27/11/2017 at the behest of the Assistant Police Inspector, an A.D. came to be registered which resulted into registration of crime no. I-327 of 2017 at Dindori Police Station, Dist. Nashik for offence punishable under sections 302, 201, 120B of the Indian Penal Code.

2 Present applicant in the said crime came to be arrested on 18/01/2018 and was charge-sheeted for offence punishable under

sections 302, 201, 120B of the Indian Penal Code in which the applicant is seeking regular bail.

3 The contention of the learned counsel for the applicant is, there is no direct iota of evidence available on record to connect the applicant to the crime in question. So as to substantiate his contentions, he has taken me through copy of the charge-sheet placed on record.

4 The learned APP relying upon the memorandum drawn under section 27 of the Indian Evidence Act submits that there is recovery of weapon used in the crime in question which is sent for chemical analysis. He would urge that one of the co-accused is absconding and as such, application is liable to be rejected.

5 Considered submissions in the backdrop of the charge-sheet. The father and mother of the victim in their statement recorded under section 161 of the Code of Criminal Procedure, 1973 on 20/01/2018 have stated that when their daughter Sonali was not

traceable, they were out of village for their occupation. Upon enquiry with other daughter and son it was noticed that deceased Sonali had left the house in the morning and has not returned till next date. The parents had not taken any steps to lodge any missing complaint about their daughter. From their statement it could be inferred that the parents were aware about the intention of the deceased girl, as it has come in their statement that the daughter might have left the home for getting married with someone.

6 Apart from above, in response to the Court's query, the learned APP submits that the victim girl was not carrying mobile. The aspect as regards the location of the applicant-accused was investigated *qua* his mobile phone. According to him, the details as regards operation of mobile from the mobile tower located nearby the place of offence does not reflect the presence of the applicant near the spot of incident.

7 But for the alleged suspicious act of the applicant of making rounds of the house of deceased, I hardly notice any material on

record to draw inference that the chain of circumstantial evidence pinpointing involvement of the applicant-accused in crime in question can be inferred. That being so, application for grant of bail is made out. Hence, following order:

ORDER

- (I) Application is allowed.
- (II) Applicant be released on bail in crime no. I-327 of 2017 at Dindori Police Station, Dist. Nashik on furnishing P.R. bond in the sum of Rs. 25,000/- with two sureties in the like amount.
- (III) Applicant shall not influence or tamper with evidence.

8 Application stands disposed of.

[NITIN W. SAMBRE, J.]