

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (BA) No. 505 of 2019

Suresh Chavhan

Vs.

State of Mah. Through P.S. Jaulka Dist. Washim

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.R.S. Kurekar, Advocate for applicant
Mr.N.R. Rode, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JULY 18, 2019

The applicant herein has approached this Court for grant of bail as he stood arrested on 27/09/2018, in connection with FIR of the same date for the offences under Sections 302 and 201 R/w 34 of the Indian Penal Code. There are three other persons named as the accused in the FIR and it is informed to this Court that while two of the accused persons were granted bail by the Sessions Court, one of the co-accused person was granted bail by this Court by order dated 26/02/2019.

2. The learned counsel for the applicant has submitted that other than the alleged confessional statement of the applicant, there is no other material on record to connect the applicant and other co-

accused persons with the incident in question that allegedly led to death of the victim. On this basis, it is claimed that the present application deserves to be allowed, particularly when the investigation is complete and charge-sheet has been already filed on 24/12/2018.

3. On the other hand, the learned APP opposed the present application submitting that the dead body of the victim was found in two gunny bags in a well at the behest of the applicant herein. It is submitted that statements have been given by witnesses to the effect that the applicant and other co-accused persons were having a grudge against the victim, which led to the said incident.

4. The material on record indicates that the case is of circumstantial evidence. There is no eye witness to the incident. The incident itself has taken place on 21/09/2018, while the FIR was recorded on 27/09/2018 i.e. after about six days of the incident. The material on record also shows that other than alleged confessional statement given by the applicant herein regarding the manner in which he and other co-accused assaulted the victim, there is no material to connect the applicant and the other accused persons with the incident in question. The material on record does not indicate any last scene theory propounded by the prosecution and there does not appear to be any

direct material, at present on record, to connect the applicant with the incident in question.

5. In view of the above, this Court is of the opinion that the present application deserves to be allowed. Accordingly, the application is allowed and the applicant is directed to be released on bail on following conditions.

- a) The applicant shall furnish PR bond of Rs.25,000/- and surety in the like amount.
- b) The applicant shall remain present before the Trial Court on every date of the proceeding.
- c) The applicant shall not tamper with the evidence or influence the witnesses.

6. It is clarified that the observations made in this order are limited to the question of grant of bail to the applicant.

JUDGE