

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

Criminal Application (BA) No.570 of 2019

Soniya Dilip Ramteke and another
Vs.
State of Maharashtra

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

Court's or Judge's orders

Mr. C.H. Jaltare, Advocate for the applicants.
Mr. A.D.Sonak, APP for the non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 8, 2019

The applicants herein have approached this Court seeking bail as they stood arrested on 8.1.2019 in connection with FIR dated 5.1.2019. The said FIR was initially registered against unknown persons. This was pertaining to death of one Sahil Shendre, whose body was found in the morning of 5.1.2019. It was claimed by his wife i.e. Rita Shendre that she found the body of her husband in the morning of 5.1.2019 and on that basis, she lodged complaint to the police station leading to the FIR.

2. But, according to the police, upon investigation, it is found that in fact the complainant herself Rita Shendre along with her mother Susma, her maternal aunt Soniya (Applicant No.1) and brother-in-law of said Soniya (applicant no.2) as also others were involved in the said offence.

3. It was claimed that the said Rita had married with the victim against the wishes of the families of the two. The marriage has taken place in May 2018. But, thereafter differences have arisen between them. It was claimed that as a consequence of the same, said Rita Shendre, with the assistance of the co-accused persons including the applicants herein have caused death of the victim. The body of the victim was found with an incised wound on his throat and post-mortem report revealed that death had occurred because of the said injuries. Investigation is completed and charge-sheet was filed in the present case.

4. The learned counsel for the applicants submitted that material on record did not show any incriminating material against the applicants herein and that there was nothing to connect the applicants with the incident in question.

5. On the other hand, the learned APP submitted that version of the witnesses on record was enough to indicate the involvement of the applicants and therefore, the application deserves to be rejected.

6. Heard the learned counsel for the parties.

7. A perusal of the material on record shows that at present, other than the statement of one Nandkishor Dongre i.e. father of the co-accused Rita Shendre and as also his supplementary statement, there does not appear to be any other material to connect the applicants with the incident in question. A

perusal of the said statement shows that the said witness claims that when he found behaviour of his wife slightly suspicious, he suspected that she along with applicant no.1 herein had hatched a conspiracy to eliminate the victim.

8. The learned APP also invited attention of this Court to the statement of another witness, who claimed to be Watchman and he stated that deceased had indeed sold certain clothes to applicant no.1, which were later recovered by the police.

9. But, since there is no last scene theory or any such incriminating circumstance put-forth by the Investigating Agency to connect the applicants with the incident in question, at present the direct involvement of the applicant appears to be far-fetched. It has also come on record that the said clothes were recovered at the behest of applicant no.1 and it had some blood stains and they were sent for chemical analysis but the report is still awaited.

10. In these circumstances and in view of the material presently on record, there appears to be lack of material to show any strong *prima facie* case against the applicants.

11. In view of above, the present application deserves to be allowed, particularly because the applicants have been behind the bars since 8.1.2019, the investigation has already been completed and the charge-sheet is filed.

12. Accordingly, the application is allowed and the applicants are directed to be released on bail in Crime no.07/2019 registered at Police Station, Tumsar, District Bhandara on the following conditions:

- a) The applicants shall furnish PR bond of Rs. 25,000/- each and surety in the like amount.
- b) The applicants shall also attend proceedings before the trial Court on each and every date.
- c) The applicants shall not tamper with the evidence and influence the witnesses.

13. Needless to say that violation of any of the aforesaid conditions, shall lead to cancellation of bail granted to the applicants.

14. It is clarified that the observations made in the present order are limited to the question of grant of bail to the applicants.

JUDGE