

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

CRIMINAL APPLICATION (BA) NO.597/2019

Suresh Rambhau Atram .vs. State of Maharashtra through PSO P.S.
Chandrapur (City), Chandrapur

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

Court's or Judge's orders.

Mr. M. V. Rai, Advocate for applicant.
Mr. N. R. Rode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : AUGUST 28, 2019

This is an application for bail. The applicant is arrested in connection with Crime No. 1358/2018 registered with Police Station, Chandrapur (City), Chandrapur for an offence punishable under Section 302, 120-B, 201 read with Section 34 of the Indian Penal Code.

Heard Mr. Rai, learned counsel for applicant and Mr. Rode, learned A.P.P. for non applicant-State. Also, perused the charge-sheet.

On 22.10.2018, a missing report was lodged with Police Station, Wardha by Nalini, mother of the deceased i.e. Purushottam. As per said report, on 09.10.2018, deceased, who was a painter by profession, left the house on the pretext that he will be attending his job. However, he failed to return to the house and therefore, the report was lodged.

As per the prosecution case, during the inquiry of said missing report, as per the CDR of the cellphone, traced

presence of Purushottam at Chandrapur city and therefore the investigating officer reached to Chandrapur. During the investigation, a destroyed dead body was found. The clothes, which were found on the spot were tallying with the description of the clothes given by Nalini in her missing report. Therefore, according to prosecution, Purushottam was done to death.

In the entire prosecution case, there is no direct evidence of whatsoever nature against present applicant. According to the prosecution, applicant was seen lastly in the company of deceased as per statement of Sapna, wife of the present applicant. Her statement would show that the deceased and co-accused Sarita came to their house on 09.10.2018 and on the next day, when they both went for answering the nature's call, only the applicant came. Except this, there is no other evidence available in the entire charge-sheet against applicant, is submission of learned A.P.P.

Applicant is arrested on 28.11.2018. The investigation is over. Charge-sheet is already filed. Looking to aforesaid nature of evidence, in my view, custodial presence of applicant is not necessary. Hence, I pass following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Suresh s/o Rambhau Atram, be released on bail, in connection with Crime No.1358/2018

registered with Police Station, Chandrapur (City), Chandrapur for an offence punishable under Section 302, 120-B, 201 read with Section 34 of the Indian Penal Code, on he executing P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount.

(iii) Applicant is directed to attend Police Station, Chandrapur (City), once in a month i.e. on the last Sunday of every month, till culmination of the trial.

The application is disposed of.

JUDGE