

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

CRIMINAL APPLICATION (BA) NO.862/2019

Anil s/o Raghunath Wankhede .vs. State of Maharashtra through PSO P.S.
Balapur, Dist. Akola.

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

Court's or Judge's orders.

Mr. R. R. Dawda, Advocate for applicant.

Mr. S. S. Doifode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : OCTOBER 1, 2019

Heard Mr.Dawda, learned counsel for applicant
and Mr. Doifode, learned A.P.P. for non applicant-State.

Applicant is claiming bail since he is arrested in
connection with Crime No.237/2019 registered with Police
Station, Balapur, Dist. Akola for an offence punishable under
Sections 302 and 506 of the Indian Penal Code.

The bail application is primarily objected by the
learned A.P.P. for the State by filing reply on the ground that
the investigation is in progress and there is a recovery of
pesticide from the house of present applicant, on his
memorandum statement. Though, investigation is in
progress, learned A.P.P. fairly makes a statement that it is
almost over and only formality of filing of Challan is
remained to be done.

First Information Report (FIR) is lodged by
married daughter of deceased Chaya. Name of the married

daughter is Poonam. She lodged the report stating therein that after death of her father Vilas about 15 years ago, her mother deceased Chaya used to reside alone at village Vyala and used to do business of selling cold-drinks. As per the report, first informant was in the house of deceased during the period from 01.06.2019 to 10.06.2019 and at that time, deceased disclosed to her that after death of her father, she has developed intimacy and love relations with the present applicant. However, the present applicant used to give ill treatment to her. According to FIR, on 14.06.2019, husband of Poonam made various phone calls of deceased. However, they were not answered. Thereafter on 15.06.2019 also phone calls were made. Those were also not answered. Therefore, the first informant and her husband along with daughter came at Vyala to notice that house of deceased was locked from inside. When they peeped in from a window, they noticed dead body of Chaya.

According to prosecution, investigation papers contain post mortem report. They neither show any external surface injuries on the body of the deceased nor any internal injuries were noticed. Final opinion is reserved. According to the prosecution, the deceased was administered poison. Reply would show that during the investigation, statement of present applicant under Section 27 of the Indian Evidence Act was also recorded on 19.06.2019 and at his behest a pocket containing Thiram was seized from his house. This, even according to the reply, is an insecticide.

In that view of the matter, in my view, further custodial presence of the applicant is not warranted. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Anil s/o Rathunath Wankhede be released on bail, in connection with Crime No.237/2019 registered with Police Station, Balapur, Dist. Akola for an offence punishable under Section 302 and 506 of the Indian Penal Code, on he executing P.R. Bond in the sum of Rs.5,000/- with one solvent surety in the like amount.
- (iii) Applicant shall attend Police Station, Balapur, Dist. Akola once in a week and shall be with the investigating officer between 11:00 a.m. to 03:00 p.m., till filing of the charge-sheet.

The application is disposed of.

JUDGE