

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1140 OF 2020

Sandip s/o Dnyandeo Kamble

Applicant

Versus

The State of Maharashtra

Respondent

Mr.S.J.Salunke, advocate for the applicant.

Mr.V.S.Badakh, APP for the Respondent.

CORAM : V.K.JADHAV, J.

DATE : 14th October, 2020.

PC :

1 The applicant is seeking bail in connection with Crime No.187/2020, registered with Police Station Gondi, District Jalna, for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

2 Heard both sides.

3 The learned Counsel for the applicant submits that the prosecution case entirely rests upon the circumstantial evidence and there is no direct evidence in this case. The learned Counsel submits that the informant Brijesh has made allegations against the applicant and co-accused on the basis of information received from witnesses Akash Bhimrao Dhotre, witness Akash s/o Ashok Karke and Sunil s/o Sheshrao Waje. On the basis of said information, the informant has

alleged that on 17th May, 2020, at about 01.30 p.m., co-accused Akash Dagadu Kamble and present applicant had been to the work place of deceased and took him along with them to attend one marriage. The learned Counsel submits that except the statements of those three witnesses, there is no further evidence to connect the present applicant with the crime. There is no criminal history. The applicant has a fixed place of residence. He will be available for trial. The applicant is ready to abide by the conditions, if imposed, by this Court while releasing him on bail. He submits that the applicant may be released on bail.

4 The learned A.P.P. has strongly resisted the application on the ground that though there is no direct evidence in this case, however, there is circumstantial evidence in the form of last seen together. The learned A.P.P. submits that on 17th May, 2020, at about 01.30 p.m., as per co-worker's statement, deceased was lastly seen alive in the company of applicant and co-accused Akash Dagadu Kamble and thereafter his dead body was found at 6.00 p.m. *Prima facie*, there is evidence of homicidal death. The learned A.P.P. submits that as per the allegations made in the complaint, deceased was having love affair with the daughter of one Dagadu Bhausahab Kamble. Co-accused Akash is the son of said Dagadu Kamble and present applicant is his nephew. Thus, there is evidence about the motive. He submits that *prima facie*, there is strong evidence in the form of circumstantial evidence against the applicant. He, therefore,

submits that the applicant may not be released on bail.

5 On going through the allegations made in the complaint and on perusal of the charge sheet, though it appears that the deceased was lastly seen in alive in the company of the applicant and co-accused Akash Kamble, so far as the applicant is concerned, there is hardly any connecting evidence against him. It appears that on 17th May, 2020, at about 01.30 p.m., co-accused Akash Kamble and present applicant had been to the work place of the deceased and took him along with them to attend one marriage. Co-workers, witness Sachin Khoje, witness Akash s/o Bhimrao Dhotre, witness Akash s/o Ashok Karke and Witness Sunil Waje have said so in their respective statements. During the course of the investigation, though the weapon and blood stained clothes were seized at the instance of co-accused Akash Dagdu Kamble, however, no incriminating articles were seized at the instance of present applicant. During the investigation, under the seizure panchanama, clothes of the applicant came to be seized, however, there are no blood stains on those clothes. There is no criminal history. Thus, considering the entire aspects of the present case, I am inclined to release the applicant on bail with certain conditions.

6 Hence, the following order:

(i) The application is hereby allowed.

(ii) The applicant Sandip s/o Dnyandeo Kamble, in connection with Crime No.187/2020, registered with Police Station Gond, District Jalna, for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, be released on bail on his furnishing Personal Bond of Rs.20,000/- (Rs.Twenty Thousand) with one solvent surety of the like amount, on the following condition:

(a) The applicant shall not tamper with the prosecution evidence, in any manner.

7 The application is accordingly disposed of.

(V.K.JADHAV)
JUDGE

adb