

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

BAIL APPLICATION NO.1250 OF 2020

**KAILAS GUNA GADHE
VERSUS
STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. A. J. Patil
APP for Respondents/State : Mrs. D.S. Jape

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**CORAM : M.G. SEWLIKAR, J.
DATE : 28.10.2020**

ORDER:-

The applicant is seeking regular bail in connection with Crime No. 187 of 2019 registered with Raver Police Station, Taluka Raver, District Jalgaon for the offences punishable under 302, 120-B read with Section 34 of the I.P.C.

2. The prosecution case in short is that the deceased Shalubai was the mother of the informant-Sanjay Tayde. The deceased Nashibabai was the neighbour of the informant Sanjay Tayde. On 18.11.2019 at 12.30 pm Shalubai and Nashibabai had gone to the forest for bringing fodder. Both of them did not return till 2.00 pm. Therefore search of these two ladies was undertaken but they were not found till late in the night. Therefore on

19.11.2019 informant-Sanjay Tayde lodged the missing report. Despite lodging the missing report the informant and others continued there search. At about 2.00 pm, Sanjay Tadvī, the son of the deceased Nashibabai, got a message that the dead bodies of deceased Shalubai and the deceased Nashibabai Tadvī were found in the fields of Narayan Ramchandra Patil and Vitthal Narayan Sonawane. On reaching there, they noticed that Shalubai, the mother of the informant, was found dead in the field of Vitthal Narayan Sonawane having injuries on her throat. At a distance, Nashibabai was found dead in the field of Narayan Ramchandra Patil. She was also having injuries on her throat. It was the handiwork of some unknown persons. Accordingly, report came to be lodged on 19.11.2019.

3. Heard Shri Patil learned counsel for the applicant and Smt Jape learned APP for the State.

4. Shri Patil submitted that entire evidence against the applicant is circumstantial in nature. There is nothing on record to connect the applicant with the offence. Prosecution is not coming with the last seen theory also. None of the witnesses have stated about the deceased and the applicant were last seen together. Some of the witnesses have stated that the applicant and the other accused were seen proceeding in the direction of the field of Vitthal

Narayan Sonawane. Except this, there is no evidence to connect the applicants with the offence.

5. Smt Jape submitted that the applicant had illicit relations with the deceased. The applicant and the other accused were seen by the witnesses proceeding towards the field in which the deceased were found. She argued that the accused Kailas Gade had illicit relations with the deceased Nashiba Tadvi. She submitted that this was the motive to eliminate both the deceased. She submitted that knife was recovered at the instance of Kailas Gade. She submitted that there is strong evidence against the applicant and therefore application deserves rejection.

6. Perused the investigation papers. On reading the statement of witnesses, it is seen that none of the witnesses have stated that the deceased were found in the company of the applicant. One of the witnesses have stated that the accused Kailas Gade had illicit relations with the deceased Nashibabai. There is nothing on record to show that relations between Nashibabai and the accused Kailas Gade had soared. There is no eye witness to the incident. Therefore, simply because the applicant was found proceeding towards the field in which the dead bodies of the deceased were found cannot lead to a conclusion that the applicant was the author of the

crime. In this view of the matter the applicant is entitled to be released on bail. Hence the following order is passed:

ORDER

- I. The application is allowed.
- II. The applicant be released in Crime No. 187 of 2019 registered with Raver Police Station, Taluka Raver, District Jalgaon for the offences punishable under 302, 120-B read with Section 34 of the I.P.C. on bail on furnishing PR bond of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety in the like amount and on condition that he shall not tamper the prosecution witnesses and shall not interfere in the investigation.

[M.G. SEWLIKAR, J.]