

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

CRIMINAL APPLICATION (BA) NO.226 OF 2020

(Sunil Rambhau Patil Vs. State of Maharashtra thr. PSO PS Jalamb, Tq. Khamgaon,
Dist. Buldhana)

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

Court's or Judge's orders.

Mr. S.V. Sirpurkar, Advocate for Applicant.
Mr. C.A. Lokhande, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 2nd NOVEMBER, 2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard.

3. The applicant, who along with one Chhaya, is facing allegations of having committed offence punishable under section 302, 201 read with section 34 of the Indian Penal Code, and who is in jail since 29.08.2018, is seeking bail under section 439 of Cr.P.C. Co-accused Chhaya is released on bail by this Court (Coram: V.M. Deshpande, J.) vide order dated 27.08.2019.

4. In brief, the case of the prosecution is that co-accused Chhaya and the deceased were in illicit

relationship. The applicant and co-accused Chhaya allegedly called the deceased to their residence and strangled him with rope. The body was then stuffed in a gunny bag, and thrown in the Purna river.

5. Perusal of the CDR of the four mobile phones show that co-accused Chhaya was in constant touch with the deceased. She appears to be in-touch with the deceased even on the fateful day. To this extent, the CDR's *prima facie* substantiate the prosecution case that Chhaya was in a relationship with the deceased. She is however, released on bail.

6. In so far as the applicant is concerned, the incriminating material which is pressed in service is the recovery of a mobile. However, the mobile recovered is that of Chhaya, who is the wife of the applicant and is allegedly recovered from the residential house, where in any event the mobile set would be found in the ordinary course of things. The other recovery is that of two ropes and the gunny bag. While the seized material appears to have been sent for forensic examination, at least at this stage, nothing incriminating is found.

7. Considering the material on record, the fact that the co-accused is released on bail, the fact that there are no criminal antecedents save and accept a complaint allegedly made by the co-accused – wife on 02.04.2018, and that the

applicant is not likely to be a flight risk, I am inclined to grant bail.

8. The Application is allowed.

[i] The applicant be released from custody on furnishing personal bond of Rs. 25,000/- with a surety of like amount. In view of the prevailing situation, the surety may be furnished within four weeks from the release.

[ii] The applicant shall not make any attempt to influence the witnesses or tamper with the evidence.

[iii] The applicant shall attend the dates of hearing regularly.

[iv] The applicant shall not leave the country without the permission of the jurisdictional court.

JUDGE