

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

LD-VC- CRIMINAL BAIL APPLICATION NO.284/2020

Bhaskar Umaji Wakode

Vs.

State of Maharashtra, through P.S.O. PS Khamgaon City, District Buldhana

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

Court's or Judge's orders

Shri S.V. Sirpurkar, counsel for applicant
Mrs. K.R. Deshpande, Addl.PP for respondent/State.

CORAM : N.W. SAMBRE J.

DATED : 06.07.2020

1. Hearing was conducted through Video Conferencing and all the learned Advocates agreed that the audio and visual quality was proper.

2. Heard.

3. The applicant is charge-sheeted for an offence punishable under Section 307 read with Section 34 of Indian Penal Code.

3. The story of the prosecution is, that the son of the applicant, namely, Ishwar got married to complainant sometime in 2014 and couple is blessed with two daughters.

4. According to prosecution, on the date of incident, the applicant, his wife, his son Ishwar and accused Radha ,who is alleged to be second wife of Ishwar, entered in the house of the complainant-Sharda and has administered poison.

5. The applicant came to be arrested on 09.06.2020, pursuant to the First Information Report dated 15.09.2019.

6. In view of COVID-19 Pandemic situation, applicant is on temporary bail since 19.05.2020.

7. Shri Sirpurkar, learned counsel for the applicant, would invite attention of this Court to the contents in the complaint, the Dying Declaration dated 15.09.2019 and the statement of the applicant subsequently recorded. According to him, there is lot of improvement in the prosecution story and which makes the same unreliable. He would stress on the fact that the applicant was initially not named as an accused.

8. While resisting the claim for bail, learned APP would urge that the statement of the complainant and daughters in categorical terms implicate the present applicant in crime as an accused. According to her, application is liable to be rejected.

9. Considered the submissions.

10. I have perused the Dying Declaration, the supplementary statement of the victim Sharda and also the statement of daughter, from which it can be easily inferred that the applicant was initially not named in the Dying Declaration as the entire attribution is pin pointed towards other accused. Even the statement of the daughter of the victim Sharda, which was recorded belatedly, does not attribute any specific role to the applicant.

10. As such, doubt is created about direct involvement of the applicant in the crime in question.

11. As the investigation in the matter is already completed, I have perused the contents in the charge-sheet. There is hardly any material to infer, prima facie, involvement of the applicant in the crime. That being so, the case for a grant of bail is made out.

12. The applicant is directed to be released in Crime No.485/2019 for an offence punishable under Section 307 read with Section 34 of Indian Penal Code, upon furnishing

PR bond of Rs.25,000/- with one or more sureties in the like amount. Applicant shall not influence the witnesses or issue threats to the complainant or her family members and shall also not enter in the area where the complainant is residing till the conclusion of trial.

13. The application stands allowed in above terms.

14. This order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

RS Sahare