

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

CRIMINAL APPLICATION (BA) NO. 831 OF 2020

Jitesh s/o Waman Kumbhare, Chandrapur

Vs.

State of Maharashtra

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

Shri A.G. Hunge, Advocate for the applicant.
Shri S.A. Ashirgade, A.P.P. for the respondent/State.

CORAM : PUSHPA V. GANEDIWALA, J.

DATED : NOVEMBER 26, 2020.

Heard Shri Hunge, learned counsel for the
applicant and Shri Ashirgade, learned A.P.P. for the
respondent/State, through Video Conferencing.

2. The applicant is said to be arrested on March 26, 2020 in connection with Crime No. 230/2020 dated March 23, 2020 registered at Police Station Umred, District Nagpur (Rural) for the offence punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.

3. The case of the prosecution, in brief, is that on August 20, 2018, one missing report was filed by one Sunil Chavhan stating therein that her daughter namely Aishwarya is missing from August 05, 2018. The parents of the missing girl were having suspicion on the present applicant.

4. During enquiry, it was revealed that the applicant killed the daughter of the informant Aishwarya on August 06, 2018. An offence came to be registered on March 23, 2020. The applicant came to be arrested on March 26, 2020. Thereafter, the spot of the incident was shown by the present applicant. The said spot was near a jungle in Paoni range. Under recovery panchnama, some human bones and pieces of clothes were recovered. The said pieces of clothes were found to be of deceased Aishwarya. The statements of the witnesses show that the applicant was lastly seen with the deceased on August 06, 2018 in Paoni Court.

4. It is further the case of the prosecution that though the present applicant is married having two children, he kept love affair with the deceased on the pretext of marriage, and when she insisted him for marriage, he killed her and threw her body in a nearby jungle.

5. On perusal of the record and the reply affidavit, at this stage, it appears that apart from the confessional statement of the present applicant, recorded under Section 27 of the Indian Evidence Act, 1872, and the statements of the witnesses, who have lastly seen the applicant with the deceased on August 06, 2018, there is nothing on record to show any direct involvement of the present applicant in the alleged crime.

6. Further, some human bones were recovered from the spot of the incident, but there is nothing on record to show that the said bones were of the deceased Aishwarya.

Also, what cannot be lost sight of is that though the missing report is lodged on August 20, 2018, the F.I.R. came to be registered on March 23, 2020 i.e. after about one and a half year.

7. Therefore, in the absence of any other inspiring links, this Court is of the opinion that the present applicant can be released on bail, however, on stringent conditions. Hence, the following order :-

ORDER.

- i. The Criminal Application is allowed.
- ii. The applicant be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (rupees twenty five thousand) with one solvent surety in the like amount.
- iii. The applicant shall not pressurize or issue threats to the witnesses.
- iv. The applicant shall not tamper with the prosecution evidence.
- v. The applicant to supply his residential address and mobile number to the concerned police station and shall not change the same, pending trial.
- vi. The applicant shall not leave the local jurisdiction without prior intimation to the concerned police station.
- vii. The applicant to attend the concerned police station on every first Thursday of each month between noon to 2.00 pm.

8. The Criminal Application is disposed of accordingly.

9. The aforesaid observations is only for granting bail to the applicants and it shall not come in the way of the trial Court during trial.

JUDGE

Sumit