

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

**CRIMINAL APPLICATION (BA) NO. 865 OF 2020**

( Kashinath s/o Dhondu Tadam ..vs.. State of Maharashtra, through PSO Katol, Dist. Nagpur )

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

Court's or Judge's orders

Shri N. Nakashe, Counsel for the applicant,  
Shri Bhagwan Lonare, Addl.P.P. for the non-applicant.

**CORAM : ROHIT B. DEO, J.**

**DATED : 05-10-2020**

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 is in custody since 16-9-2018, is seeking regular bail in Crime 681/2018 registered with Katol Police Station, District Nagpur for offence punishable under Section 302 of the Indian Penal Code.

4. The deceased Ratnabai was the wife of the applicant.

5. The prosecution case is that on the day of Pola festival i.e. on 09-9-2018 the applicant and the deceased were both under the influence of liquor and were proceeding towards Banor. There are two eyewitnesses

who state that the applicant and his wife were quarrelling.

6. The dead body of the deceased was found in an agricultural field on 10-9-2018. The two incriminating circumstances pressed in service by the learned Additional Public Prosecutor Shri Bhagwan Lonare is the last seen theory and the recovery of stone pursuant to Section 27 of the Indian Evidence Act memorandum. It is not even the case of the prosecution that the applicant has antecedents or that he shall not be available to face the trial. Considering the material on record, the applicant has made out a case for grant of bail since the only material, which according to the prosecution is incriminating, is the last seen theory and the recovery of stone.

7. The application is allowed.

8. The applicant shall be released on bail on executing personal bond of Rs.25,000/- with a solvent surety of like amount.

9. Considering the prevailing circumstances, the surety may be furnished within four weeks of the release.

10. The applicant shall not make any attempt to tamper with the evidence or to influence witnesses,

directly or indirectly.

11. The applicant shall attend each date of hearing scrupulously.

12. The applicant shall not leave the country without the permission of the trial Court.

**JUDGE**

*adgokar*