

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

CRIMINAL APPLICATION (BA) NO. 1074 OF 2020

(Rajesh Ratnakar Kodgirwar vs. The State of Maharashtra thr. PSO, Umarkhed, Tq.
Umarkhed, District - Yavatmal)

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

Court's or Judge's orders.

Shri V.D. Darne, Advocate for the applicant.
Shri H.D. Dubey, APP for the non-applicant – State.

.....

CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 07, 2020.

Heard Shri Darne, learned counsel for the applicant and Shri Dubey, learned APP for the non-applicant – State.

2. The applicant is seeking bail in Crime No. 112 of 2019, registered at Umarkhed Police Station, District - Yavatmal, for the offence punishable under Section 302 of the Indian Penal Code.

3. The prosecution case is that the applicant is the husband of the deceased Yogita and son-in-law of the deceased Vikas Gandhewar. It is alleged that due to matrimonial dispute between the deceased Yogita and the applicant, she left her matrimonial house and came to her parents house. It is further

alleged that the applicant followed her at her parents house with cane of petrol and poured petrol on the deceased the person of Yogita and her father, ignited them and thereby committed murder.

4. Perused the application, affidavit in reply filed by the State and the charge sheet.

5. The learned APP strongly opposes the application on the ground that there are dying declarations recorded on the same day and according to which the present applicant poured petrol on both the deceased and committed murder.

6. The learned counsel for the applicant, on the other hand, brought to the notice of this Court Chemical Analyser's reports dated 22.08.2019 negating the presence of petrol on the burnt clothes Exhs. (1) and (2) and the cane which was seized on the same day during investigation.

7. I have considered the submissions advanced on behalf of both sides.

8. At the outset, no doubt there are dying declarations of both the deceased, alleging pouring of petrol by the applicant, however, the Chemical Analyser's reports with regard to petrol on the burnt

clothes of the deceased persons and the alleged petrol cane are negative. Furthermore, there is no eye witnesses to the incident. The applicant also undisputedly burnt to the extent of 25%. Apart from the aforesaid two dying declarations, the prosecution could not point out any other substantive material to connect the present applicant in the crime. There is nothing in the charge sheet, how the applicant also suffered burn injuries to the extent of 25%.

9. In this background and since the investigation is completed and the charge sheet is also filed, this Court is inclined to grant bail, however, on stringent conditions.

10. In the circumstances, Criminal Application is allowed on the following conditions :

(i) The applicant – Rajesh Ratnakar Kodgirwar, shall be released on bail on furnishing Personal Bond of Rs.50,000/- (Rs. Fifty thousand only) with one surety in the like amount.

(ii) The applicant shall not tamper with the evidence.

(iii) The applicant shall not pressurize the prosecution witnesses.

(iv) The applicant shall attend the Police Station once in a month on every first Thursday of the month between 11.00 AM to 1.00 PM.

11. Needless to mention that the observations made in this order are only for deciding the present bail application, the trial Court shall be free to decide the matter on its own merits.

JUDGE

*GS.