

Chandrabhan Changdeo Chaudhari ... **Applicant**
Age 40 Years, Occu: Agri.
All R/o Shirasgaon Tq. Sangamner
District Ahmednagar

The State of Maharashtra, ... Respondent
Through Sangamner Taluka Police Station,
District Ahmednagar

CORAM : V. G. BISHT, J.
RESERVED ON : 10th August, 2021.
PRONOUNCED ON 13.08.2021.

1. This is an application filed by the present applicant under section 439 of the Code of Criminal Procedure, 1973 to enlarge him on bail in connection with Crime No. 22/2021, registered with Sangamner Taluka Police Station, Sangamner, District Ahmednagar for the offences punishable under Sections 302, 201, 263, 364A, 366 read with 34 of the Indian Penal Code, 1860.

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Informant's sister and daughter of said deceased namely Gayatri residents at her matrimonial home at Kotul Tq. Junnar District Pune. On 09.01.2021, brother-in-law of deceased namely Subhash Suryawanshi informed said Gayatri that house of the deceased is locked and she is not picking up the phone. Gayatri also made several calls but in vain. Therefore, on 10.01.2021, Gayatri visited Shirasgaon and found the house of deceased locked. She, therefore, on 11.01.2021, lodged missing report and informed the informant as well. The informant then came to village Shirasgaon and with the help of others, broke open the lock. He noticed some blood stains on the floor and in the bath room. It appears that prior to that i.e. on 04.01.2021, a quarrel had taken place between deceased and present applicant and so also Subhash Suryawanshi had allegedly illegal relation with the deceased. Suspecting that the applicant and said Subhash Suryawanshi might have abducted his mother, he accordingly lodged the report.

3. During the course of investigation, dead body of the deceased was found in a valley near the house of the present applicant with several injuries on the head and face. Since sufficient material could not be gathered as against Subhash Suryawanshi, a report under section 169 of Cr.P.C. was filed. The present applicant accordingly alone came to be charge-sheeted.

4. Mr. R. L. Kute, learned counsel for the applicant, submits that the present case is based on circumstantial evidence and only motive

attributed on the present applicant is that since he had some quarrel with the deceased prior to the date of incident, he might have killed the deceased. There is no eye witness at all in order to connect the present applicant even remotely to the alleged incident and in such circumstance, the learned counsel urged that the applicant be enlarged on bail.

5. Mrs. V. S. Chaudhari, learned A.P.P., on the other hand, vehemently opposed the submissions and submitted that pursuant to the discovery statement given by the applicant, his blood stained clothes were seized. Moreover, in the past, a quarrel had taken place between the applicant and the deceased and that was the motive for which the applicant committed the offence of murder.

6. I have carefully perused the record. There is no dispute to the effect that the present case is based on circumstantial evidence. Except the motive attributed on the part of the applicant i.e. the past quarrel which had taken place between the applicant and the deceased. it allegedly motivated the present applicant to commit murder of the deceased.

7. As far as the motive in question is concerned, I have my own doubts inasmuch as the nature and gravity of dispute which allegedly had taken place in past is nowhere explained in the first information report or for that matter is not reflected from investigation papers. Similarly, the alleged recovery of blood stained clothes of the accused

alone, in absence of any other circumstance, will not be adequate enough to keep the applicant accused behind bars particularly, when the investigation is over and charge sheet has been filed. It is also not the case of the prosecution that soon before the death, the deceased was seen in the company of the present applicant. Thus, seen from any angle, in my considered opinion, the applicant has made out a prima facie case for admitting him on bail.

8. In view of above, I pass follow order:

O R D E R

- i. The applicant be released on bail in connection with Crime No. 22/2021, registered with Sangamner Taluka Police Station, Sangamner, District Ahmednagar for the offences punishable under Sections 302, 201, 263, 364A, 366 read with 34 of the Indian Penal Code, 1860, on his furnishing P.R. Bond of Rs. 25,000/- [Rs. Twenty five thousand only], with one or two solvent sureties in the like amount.
 - ii. Bail before the trial court.
9. Criminal application stands disposed of in the aforesaid terms.

(V. G. BISHT, J.)

JPC