IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

8 **BAIL APPLICATION NO.1300 OF 2020**

RAMNATH RAMA SHANTILAL SHINGADE
VERSUS
THE STATE OF MAHARASHTRA
...
Advocate for Applicant : Mr. Gaware Niteen V.
APP for Respondent : Mr. A A Jagatkar
...
CORAM : V.K. JADHAV, J.
Dated : January 04, 2021
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PER COURT :-

1. The applicant is seeking regular bail in connection with crime No.447 of 2019 registered with Karjat police station, District Ahmednagar for the offences punishable under Sections 302, 201 r/w 34 of IPC. His application bearing Cri.(Bail) MA No.442 of 2020 with similar prayer came to be rejected by the learned Additional Sessions Judge, Shrigonda, District Ahmednagar, vide order dated 5.9.2020.

2. Learned counsel for the applicant submits that investigation is over and charge-sheet has been submitted. The applicant is in jail in connection with the present crime since 30.4.2020. Learned counsel

submits that prosecution case entirely rests upon the circumstantial evidence and there is no direct evidence in this case. Learned counsel submits that as per the prosecution story, deceased was lastly seen alive in the company of the applicant and there are two witnesses on this point namely Ganesh Bhosale and Kajal. Learned counsel submits that one police constable on behalf of the State has lodged the complaint, however, neither said Ganesh nor Kajal lodged the complaint in the concerned police station. Witness Kajal allegedly residing with deceased as his wife. Learned counsel submits that even motive is also weak. As per the prosecution story, the applicant has committed murder of the deceased with the motive to establish sexual relations with witness Kajal. However, it is pertinent that there is no further connecting evidence against the applicant. Even though from the spot of incident one stone having blood stains came to be recovered, however, C.A. report is silent so far as blood on the stone is concerned. Learned counsel submits that there is no recovery at the instance of the applicant in any

manner. There is no criminal history. The applicant is available for trial. The applicant is ready to abide the conditions, if imposed by this court while enlarging him on bail. The applicant may be released on bail.

3. Learned A.P.P. has strongly resisted the application on the ground that though there is no direct evidence in this case, however, there is a chain of circumstantial evidence against the applicant. Learned APP submits that witness Kajal has given her statement in detail during the course of the investigation. According to her, after she herself alongwith her daughter and deceased Eknath boarded one hotel, deceased Eknath and the present applicant had consumed liquor. According to witness Kajal thereafter the applicant and deceased Eknath left said hotel on one motorbike. Even witness Kajal has given description of the clothes on the person of the applicant at the time when he left the hotel alongwith the deceased. According to witness Kajal, after some time the applicant returned to the hotel alone and at that time he

had changed the clothes on his person. Learned APP submits that during the course of the investigation, it has been revealed that the applicant has cleverly destroyed the evidence. The applicant has thrown his clothes, mobile handset of the deceased alongwith pocket diary in the river and thus there is no recovery of the said articles. Learned APP submits that even the owner and receptionist of the hotel have also identified the present applicant. Learned APP submits that the present applicant made arrangement in the hotel and in fact the applicant had called the deceased Eknath and Kajal under the pretext of giving them employment. Learned APP submits that prima facie there is evidence about homicidal death. Learned APP further submits that there is strong possibility of tampering with the prosecution evidence. Learned APP has vehemently submitted that after registration of the crime, the applicant remained absconding for a considerable period. In view of the same, there is strong possibility of absconding, if the applicant is released on bail. The applicant may not be released on bail.

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4. On going through the allegations made in the complaint and on perusal of the investigation papers, it appears that prosecution case entirely rests upon the circumstantial evidence and there is no direct evidence in this case. Though, I find two witnesses on the point of last seen, namely Ganesh and Kajal, witness Kajal was residing with deceased Eknath as his wife and they had been to said village at the invitation of the present applicant. As per the statement of witness Kajal, it appears that the applicant himself has made arrangement of their stay in the hotel. Deceased in the company of the applicant left the hotel on his motorbike after consuming liquor. It is pertinent that even though witness Kajal had lastly seen the deceased alive in the company of the applicant, she has not lodged the complaint against the applicant. One police constable has lodged the complaint on behalf of the State against unknown assailants. It further appears that though there is evidence about last seen together, however, there is no further connecting evidence against the applicant in any form. There is no criminal history.

Even assuming that the applicant wanted to establish sexual relations with witness Kajal by eliminating deceased Eknath, however, it appears from the statement of the witnesses that it was the first instance that the applicant has seen witness Kajal alongwith the deceased. Thus, considering the entire aspect of the case and since there is no criminal history and further considering the nature of the allegations, I am inclined to release the applicant on bail with certain conditions. Hence, following order :-

O R D E R

I. Application is hereby allowed.

II. The applicant RAMNATH @ RAMA SHANTILAL SHINGADE in connection with crime No.447 of 2019 registered with Karjat police station, District Ahmednagar for the offences punishable under Sections 302, 201 r/w 34 of IPC be released on bail on furnishing personal bond of Rs.50,000/- (Rs. Fifty Thousand) with one or two solvent sureties of the like amount on following conditions :-

a) The applicant shall not tamper with the prosecution evidence in any manner.

b) The applicant shall attend the concerned police station on every Sunday between 8 am to 11 am for a period of three months and thereafter on FIRST SUNDAY of every month till commencement of the trial.

III. Application is disposed off.

(V.K. JADHAV, J.)

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