

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

8 BAIL APPLICATION NO.1258 OF 2021

ANIL @ ANIRUDH SHIVAJI CHATAP

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. Amey Subnis, Advocate holding for Mr. K.J. Suryawanshi, Advocate for
the applicant

Mr. V.M. Kagne, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 06th DECEMBER, 2021

PER COURT :

1 Present application has been filed under Section 439 of the Code of Criminal Procedure, 1973.

2 The applicant has been arrested in connection with Crime No.48/2021 registered on 26.03.2021 with Yusuf Wadgaon Police Station, Tq. Kaij, Dist. Beed, for the offence punishable under Section 302, 201 of the Indian Penal Code, 1860.

3 Heard learned Advocate Mr. Amey Subnis holding for learned

Advocate Mr. K.J. Suryawanshi for the applicant and learned APP Mr. V.M. Kagne for the respondent.

4 The First Information Report has been lodged by the father-in-law of the present applicant and the person who has been murdered is the wife of present applicant. Informant states that her daughter i.e. deceased, present applicant who is her husband with their children used to reside at Kaij in their house. Four months prior to the First Information Report applicant had purchased four she-buffaloes and then the husband and wife were staying at Janegaon in their house, which is in their land. The accused was then doing the agricultural as well as the milk business. On 25.03.2021 informant received phone call from applicant at about 10.30 p.m. informing that when he had gone to supply milk, at that time, somebody has murdered his wife. Informant then went along with some certain other persons and they found that the dead body of the daughter of the informant was lying near the field of one Mahadeo Chatap. The face of the deceased was damaged due to assault by stones and thereby there was an attempt to screen the offender. Under such circumstance, the First Information Report came to be lodged against unknown person.

5 It is the further prosecution story that supplementary statement

of the informant was taken on 28.03.2021 and in that the informant informed that the grandmother of the deceased had given about 03 Acres 30 Gunthas land for cultivation to the deceased, but then applicant was insisting that, that land should be got transferred in the name of deceased. However, the grandmother of the deceased was refusing and this fact was informed by the deceased to the informant when she had gone to informant's place, when her brother's wife had given birth to a girl.

6 After the First Information Report was filed panchnama was executed, certain muddemal appears to have been seized and then after arrest it appears that there is some discovery at the hands of present applicant consists of an axe and the clothes. Statement of the witnesses have been recorded.

7 Perusal of the charge sheet, which has been filed on 24.06.2021, would reveal that the case is based upon circumstantial evidence. At this stage, the seized property appears to have been sent to the Chemical Analyzer, however, the report appears to be awaited. No doubt, from the Inquest Panchnama and Postmortem Report it is clear that the death is homicidal, but as regards connecting it to the present applicant, there is only circumstantial evidence. Statement of the informant taken under Section 164

of the Code of Criminal Procedure expresses suspicion over the applicant. The circumstantial evidence is in the nature of statement of the witnesses, who had allegedly seen the applicant in frightened condition and the times when the applicant had gone out under the pretext of supply of milk.

8 With this kind of evidence it is not necessary that the applicant should be kept behind the bars. On conditions, he needs to be released on bail. Hence, following order.

ORDER

1 Application stands allowed.

2 Applicant Anil @ Anirudh Shivaji Chatap, who has been arrested in connection with Crime No.48/2021 registered on 26.03.2021 with Yusuf Wadgaon Police Station, Tq. Kaij, Dist. Beed, for the offence punishable under Section 302, 201 of the Indian Penal Code, 1860, be released on PR. of Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties of Rs.25,000/- (Rupees Twenty Five Thousand only) each.

3 The applicant shall not tamper with the evidence of the prosecution nor shall visit village Ganji and also Janegaon, Tq. Kaij, Dist. Beed, till the completion of trial.

4 He shall not indulge in any criminal activity.

5 Bail before Trial Court.

(Smt. Vibha Kankanwadi, J.)

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