

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

932 BAIL APPLICATION NO.1327 OF 2021

Pramod S/o. Appasaheb Khade
Age: 27 years, Occu.: Labour,
R/o. Hatta, Tq.Vasmat,
Dist.Hingoli.

..Applicant
(Orig. accused)

VERSUS

The State of Maharashtra

..Respondent

...

Advocate for Applicant : Shri Bhagwan S. Kudale
APP for Respondent : Shri V.M.Kagne

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CORAM : M.G.SEWLIKAR, J.

DATE: 30th November, 2021

PER COURT :-

1. This is an application under Section 439 of the Code of Criminal Procedure.

2. The informant is the brother of deceased Dnyaneshwar. Deceased Dnyaneshwar was in love with one Sujata. Applicant Pramod was also in love with Sujata. Sujata had a break up with applicant. Applicant could not withstand the romantic relationship between deceased Dnyaneshwar and Sujata. Applicant had threatened deceased Dnyaneshwar to stay away from Sujata else Dnyaneshwar would be done away with. On the

fateful day, applicant picked up an angle from petrol pump and left for village Hatta on motorcycle. Along with him, one Pravin and one Vinod also left for Hatta on another motorcycle. Thereafter, deceased Dnyaneshwar was found dead in village Kalamba. It is the prosecution case that since applicant Pramod could not tolerate romantic relationship between the deceased and Sujata, applicant, Vinod and Pravin hatched conspiracy to kill the deceased and murdered the deceased.

3. First Information Report came to be lodged by the informant stating therein that the deceased Dnyaneshwar was killed by these three persons. After investigation, the conspiracy of the applicant, Vinod and Pravin came to be unravelled. Therefore, offence punishable under Sections 302, 120(B), 341, 201 read with Section 34 of the Indian Penal Code came to be registered against them.

4. Heard Shri B.S.Kudale, learned counsel for the applicant and Shri V.M.Kagne, learned APP for the respondent-State.

5. On perusal of the charge-sheet it is seen that entire case rests on circumstantial evidence. The only evidence against the

applicant is that he was following the motorcycle of the deceased alongwith an iron angle. Except this, there is no evidence to connect the applicant with the offence. Only on the basis of recovery of iron angle, complicity of the applicant cannot be inferred. In this view of the matter, I am inclined to release the applicant on bail. Hence, the order.

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs. 75,000/- (Rs. Seventy Five Thousand only) with one solvent surety in the like amount in connection with Crime No.359 of 2020 registered with Hatta Police Station, District Hingoli, (Sessions Case No. 17/2021) for the offences punishable under Sections 302, 120(B), 341, 201 read with Section 34 of the Indian Penal Code.
- iii) Application is disposed of.
- iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

**(M.G.SEWLIKAR)
JUDGE**