

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

CRIMINAL APPLICATION [BA] NO. 240/2021.

Shailesh Gajanan Kowe

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.R. Dube, Advocate for the Applicant.

Ms. N. Mehta, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : APRIL 26, 2021.

Heard learned Counsel for the parties
through video conference.

2. The applicant came to be arrested in
connection with Crime No.496/2020 registered with
non-applicant Sawangi Meghe Police Station, District
Wardha for offence punishable under Sections 302,
201 read with Section 34 of the Indian Penal Code.

3. Wife of the deceased has lodged a report
regarding the incident. It is the prosecution case that
on 16.10.2020, there was quarrel of deceased Raju
with a neighbouring lady namely Shobha, in which

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the deceased assaulted Shobha and ran away. After said incident, the deceased never returned to his house. On the following day, the informant – who is wife of the deceased, came to know that co-accused Sagar, who was son of Shobha, was searching for the deceased Raju along with his two friends. When the informant went to the police for filing missing report, she learn about a dead body of an unknown person traced by the police. On verifying the things, she came to know that the said dead body was of her husband Raju. The informant alleged that since co-accused Sagar and his two friends were searching for her husband they are culprits, hence, she lodged report.

4. According to the police papers the dead body was found in the Well and its hands were tied. The learned A.P.P. took me through the post mortem notes to show that there were injuries on the person of the deceased and after tying his hands, he was killed.

5. The entire case is based on circumstantial

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evidence. The learned counsel for the applicant has pointed out that besides statement of one Satish Dhurve, no one has uttered name of the applicant. The said person Satish Dhurve has stated that on 17.10.2020, Sagar Pendam along with his two friends Jai Gavai and present applicant Shailesh met him and were enquiring about deceased Raju. It is pointed out that in that statement of Satish Dhurve recorded under Section 164 of the Code of Criminal Procedure, he has not named two friends of main accused Sagar Pendam.

6. Be that as it may, however, in the entire charge sheet besides statement of Satish Dhurve that at relevant time applicant being friend of main accused was searching the deceased, there is no material.

7. The State has not pointed out any other incriminating material from which the involvement of the applicant can be said with certainty. Though confessional statement of main accused Sagar is shown, however, I am afraid to consider the same.

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Having regard to the nature of accusation and the material collected against the applicant, it is not desirable to keep him behind bars, particularly when the investigation is complete and charge sheet is filed. In view of that, the applicant has made out a case for grant of bail. Hence, the following order.

- (i). Criminal Application is allowed and disposed of.
- (ii). The applicant/accused- Shailesh Gajanan Kowe, be released on bail in connection with Crime No.496/2020 registered with non-applicant Sawangi Meghe Police Station, District Wardha for offence punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code on his furnishing P.R. Bond of Rs. 25,000/- with one or two sureties in the like amount.
- (iii). The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

JUDGE

Rgd.