

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

Criminal Application (BA) No. 571 of 2021

[Ramu S/o Sanjay Sawale ..vs.. State of Maharashtra, through P.S.O. Dhantoli, Distt. Nagpur (M.S.)]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. H. P. Lingayat, Advocate for the applicant
Mrs. K. R. Deshpande, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 19-07-2021

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard.

3. The applicant is arrested on 23-6-2020 in connection with Crime 176/2020 registered with Dhantoli Police Station, Nagpur for offence punishable under Section 302 of the Indian Penal Code.

4. The prosecution version, in brief, is that one Mr. Pappu @ Pankaj Sanju Baisware was killed and the body was discovered from the lane near the HDFC Bank.

5. According to the prosecution, the body was discovered in half decayed condition on 12-6-2020.

6. The prosecution is relying on circumstantial evidence to bring home the charge.

7. Insofar as the applicant is concerned, the last seen theory is invoked.

8. My attention is invited to CCTV footage of the morning of 6-6-2020 and the statement of witness whose shop the applicant visited along with deceased.

9. The learned counsel for the applicant Mr. Lingayat would submit that other than the material to show that the applicant was in the company of deceased in the morning of the fateful day, there is no other material implicating the applicant in the crime. This material is absolutely irrelevant since the deceased was seen alive in the evening and that too in the company of the co-accused, is the submission.

10. The submission of Mr. Lingayat is well merited.

11. At least *prima facie*, the last seen theory may not come into play at all since the deceased was seen in the company of the applicant in the morning and at least till the evening, the deceased was alive and he was seen in the company of co-accused. The applicant has made out a case for grant of bail.

12. The applicant be released on bail on furnishing PR bond of ₹ 15,000/- (Rupees Fifteen Thousand) with solvent surety of like amount on following conditions.

(a) The applicant shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.

(b) The applicant shall not leave the country without the permission of the jurisdictional Court.

13. The application is allowed in the aforesaid terms.

JUDGE