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

CRIMINAL APPLICATION (BA) NO. 608 /2021
(Sagar Brahmanand Pendam ***vs***. The State of Maharashtra: Th: PSO, PS Savangi-Meghe Dist. Wardha)

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

Mr. S.R.Dube, Advocate for the applicant
Ms.Kalyani Deshpande, APP for respondent -State

CORAM : MRS.SWAPNA JOSHI, J.
DATED : 29th July, 2021

Hearing was conducted through video conferencing and the learned Advocates agreed that the audio and video quality was proper.

1. The applicant has filed the present Application under Section 439 of the Cr.P.C. seeking regular bail, for offence punishable u/ss. 302, 201 read with Section 34 of the Indian Penal Code, registered at Police Station Savangi-Meghe, Dist. Wardha, in respect of Crime No. 496/2020.

2. I have heard learned counsel for the respective parties at length. Perused the case papers.

3. The prosecution case in brief is that on 16.10.2020 a quarrel took place between deceased-Raju and the mother of the applicant, namely, Shobha. It is alleged that deceased-Raju assaulted Shobha and fled away. The deceased was thereafter not seen by anyone. The first informant-Smt.Rekha Parchake, who is the wife of the

deceased, learnt on the next day that the present applicant was searching for deceased-Raju along with his two friends. The first informant then proceeded to the Police Station and lodged a missing report. At that time, she learnt about death of her husband. The first informant, therefore, lodged the report against the present applicant and two others, alleging that the applicant was searching for her husband and, therefore, on the basis of surmises, guesswork and conjectures, the report came to be lodged.

4. Learned Advocate for the applicant vehemently contended that the only allegation against the applicant is that after the alleged incident of quarrel between deceased-Raju and mother of applicant, the applicant searched for the deceased and made enquiry about him in the nearby locality. It is submitted that apart from the said *prima facie* evidence, no other evidence is available on record against the applicant.

5. Learned APP vociferously opposed the Application.

6. After hearing both sides and on a perusal of the case-papers and the reply filed by the prosecution, it is noticed that the post-mortem report of the deceased indicates injuries on his person and he was killed by tying his hands. However so far as the present applicant is concerned, *prima facie,* there is no evidence on record against the applicant except the statements of the witnesses stating that the applicant along with his two friends was searching for the deceased and he made enquiry of the deceased with them. Furthermore, it is

reported that the charge-sheet in the matter has already been filed. Moreover, there are no criminal antecedents against the applicant.

7. Considering the facts and circumstances of the case, I am of the opinion that the applicant can be released on bail by imposing certain terms and conditions. Hence the order :-

ORDER:

The applicant -Sagar Brahmanand Pendam, be released on bail for offence punishable u/ss 302, 201 read with section 34 of the Indian Penal Code, in respect of Crime No. 496/2020 registered at Sawangi-Meghe Police Station, on his executing a PR bond in the sum of Rs. 30,000/- (rupees thirty thousand) with one or two solvent sureties in the like amount, on the following conditions :-

(i) He shall attend the concerned Police Station as and when required by the police.

(ii) He shall not tamper with the prosecution witnesses in any manner.

(iii) He shall attend the trial on every date. Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.

(vi) Any observations made in this order are only for granting bail to the applicant and it shall not come in the way of the trial Court, during trial.

Criminal Application stands disposed of.

JUDGE

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