

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

Criminal Application (BA) No. 672 of 2021

[Ramesh S/o Udebhan Bhoyar ..vs.. State of Maharashtra through P.S.O. Arvi, Dist. Wardha]

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

Court's or Judge's orders

Mr. Mahesh Rai, Advocate for the applicant
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 18-08-2021

The prosecution case is that the wife of Vijay Bansod hatched a conspiracy to kill her husband and enlisted the help of co-accused Kisan @ Krushna and the applicant.

2. The prosecution case is that on 28-11-2020, Krushna and the applicant offered liquor to Vijay and then strangled him with plastic packing tape. The body was discovered in the night intervening 1-12-2020 and 2-12-2020 from Village Marda, near the canal.

3. Insofar as the applicant is concerned, the incriminating material pressed in service is the CCTV footage from the camera installed at Kanojiya Wine Shop which shows that between 8.49 p.m. and 8.59 p.m., the

applicant, deceased Vijay Bansod and Krushna were together. According to the prosecution, the CCTV footage shows that the applicant was riding the motorcycle, Krushna and the deceased were sitting behind him and the three came to the wine shop at 8.49 p.m. and left together at 8.59 p.m.

4. While against the co-accused, there is some additional material to which it would not be proper to make a reference lest he is prejudiced, the only material against the present applicant appears to be the fact that he, co-accused Krushna and the deceased were last seen together driving away on the motorcycle, at 8.50 p.m. on 28-11-2020. It is not clear from the postmortem report as to what is the probable time of death. In this view of the matter, at this stage, it would be difficult to bring into play the last seen theory. Ultimately, it would be for the trial Court to consider whether the gap between the last seen and the death is such as would exclude a third party intervention.

5. I am satisfied that a case for grant of bail is made out, particularly since the applicant has no criminal antecedent and is not a flight risk. As an abundant caution, it is clarified that every observation made herein is strictly restricted to the applicant Ramesh Bhoyar and is made for the limited purpose of considering his entitlement to bail.

6. The application is allowed subject to the following conditions.

(a) The applicant be released on bail in Crime 562/2020 registered with Police Station, Arvi, District Wardha for offence punishable under Section 302 read with Section 34 of the Indian Penal Code, on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount.

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

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

JUDGE

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