

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

Criminal Application (BA) No. 722 of 2021

[Amardeep Rajendra Bhagat ..vs.. State of Maharashtra, through PSO Shirkhed, Tah. Morshi,
Dist. Amravati]

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

Court's or Judge's orders

Mr. Z. Z. Haq, Advocate for the applicant
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 11-08-2021

The applicant is seeking bail in connection with Crime 107/2018 registered with Police Station, Shirkhed Tahsil Morshi, District Amravati for the offence punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.

2. The case of the prosecution is that burnt body of an unidentified girl was discovered on 26-4-2018 and on the basis of report lodged by Nitin Bhimrao Chavan, Police Inspector of Shirkhed Police Station, crime was registered. During the course of investigation, *inter alia* on the basis of a missing report, the body was identified to be of one Priya Lalit Mahajan.

3. The case of the prosecution is that since the deceased and co-accused Sagar Bargat were in relationship, the police arrested Sagar on the basis of suspicion. During the course of interrogation, Sagar confessed his complicity and implicated the present applicant. According to the prosecution, Sagar stated during the interrogation that he first choked Priya and the applicant then inflicted knife blow/s.

4. Sagar is released on bail. Insofar as the present applicant is concerned, *prima facie*, there does not appear to be any significant admissible material linking him with the crime. Other than the statement of the co-accused which would not be admissible, the only incriminating material is a statement purportedly under Section 27 of the Indian Evidence Act disclosing that the knife used in the offence is thrown at a particular spot. However, as a fact, there is no discovery as such pursuant to the said statement.

5. Considering the material on record, a case for grant of bail is made out.

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

(a) The applicant be released on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount.

(b) The applicant shall scrupulously attend every date of hearing and failure to do so, even on a single occasion, may entail cancellation of bail, unless the absence is condoned/exempted by the jurisdictional Court.

(c) The applicant shall report jurisdictional police station on 15th and 30th day of every calendar month.

(d) The applicant shall furnish his current address and cell phone number/s to the Investigating Officer within 72 Hours of release from custody.

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

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

7. The application is disposed of in aforesaid terms.

JUDGE

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