

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

924 BAIL APPLICATION NO.62 OF 2022

Ramrao S/o Annarao Wake
Age: 50 years, Occu: Agri.
R/o: Penur, Tq. Purna, Dist. Parbhani. ... Applicant

Versus

The State of Maharashtra,
Through Police Station Officer,
Chudawa Police Station,
Tq. Aundha Nagnath, Dist. Parbhani. ... Respondent

...

Mr. J. V. Deshpande h/f Mr. Balasaheb N. Magar, Advocate for the Applicant
Mr. S. B. Narwade, APP for the Respondent.

...

CORAM : M. G. SEWLIKAR, J.

DATE : 17th February, 2022

PER COURT:

Heard.

2. Suresh Balaji Shinde (since deceased) was the brother of informant. On 1st December, 2021, the informant was told that deceased was found dead in the field of applicant – Ramrao Wake. It is alleged in the First Information Report that Ramrao Wake gave extra judicial confession before the mother of deceased by the name of Parvatibai that applicant - Ramrao Wake had assaulted the deceased with stick in the

farm house of the applicant and committed his murder. On these allegations, First Information Report came to be lodged under Section 302 of the Indian Penal Code vide Crime No.2016/2017 registered with Chudawa Police Station, District Parbhani.

3. Shri Deshpande, learned counsel submits that except extra judicial confession, there is no evidence against the applicant to indicate that the applicant is the author of crime. He submits that cause of death is reserved and CA report is yet not received despite giving sufficient opportunities to the prosecution.

4. Shri Narwarde, learned APP submits that there is extra judicial confession made by the applicant to the mother of the deceased. He submits that applicant is an influential person and he is a Sarpanch of village. There is theory of last seen together also.

5. Charge-sheet is yet to be filed. Prosecution has produced investigation papers before this Court for perusal. It appears that investigation is almost complete and the formality of presenting charge-sheet is remaining. Postmortem report shows that the dead body had eight injuries. None of them appears to be a serious injury; one injury is on face and one injury is on forehead. But the Medical Officer has not given the cause of death. He has reserved his opinion as to the cause of

death of the deceased. CA report is yet not produced. The applicant is behind the bars since 2nd December, 2021. Statement of mother of the deceased by the name of Parvatibai has been recorded in which she has stated that accused gave confessional statement before her that he assaulted deceased-Suresh and in the assault, deceased lost his life. The extra judicial confession is a weak type of evidence. Applicant has no criminal antecedents. He is not likely to flee from justice. Having regard to this, I am inclined to release the applicant on bail. Hence, the following order:-

ORDER

- (i) Application is allowed.
- (ii) Applicant be released on bail PR bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one solvent surety in the like amount in connection with Crime No.216/2017 registered with Chudawa Police Station, Dist. Parbhani for the offences punishable under Section 302 of the Indian Penal Code, on following conditions;
 - (a) The applicant shall not influence the witnesses and shall not pressurize the witnesses.
 - (b) The applicant shall attend the concerned Police Station twice a week i.e. on every Wednesday and Sunday between 12.00 noon and 4.00 pm till filing of the charge sheet.

(c) The applicant shall not enter the Village Penur, Tq. Purna till conclusion of the trial.

6. These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion.

(M. G. SEWLIKAR, J.)

Sameer