

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

BAIL APPLICATION NO. 589 OF 2022

Pravin @ Bhikan Prakash Patil

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

Mr. T.K. Sant, Advocate for applicant
Mr. V.S. Badakh, A.P.P. for respondent - State

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**CORAM : R.G. AVACHAT, J.
DATE : 26th JULY, 2022**

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 188 of 2021 registered with Mehunbare Police Station, Dist. Jalgaon for the offences punishable under Sections 302, 294, 176 and 323 of the Indian Penal Code.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by one Pratapsing Mathure, Police Naik attached with Mehunbare Police Station, on 30th October, 2021. He was

enquiring into an accidental death registered on 23rd September, 2021. The dead body was found floating in a well. The same was identified to be of Somnath Prabhakar Patil. When the news was spread about finding of a dead body, it was revealed that brother of the deceased had lodged a missing report of his brother. The brother of the deceased identified the body of the deceased and stated that on 21st September, 2021 the applicant herein had taken the deceased with him for work. The applicant returned to the village, but the deceased did not. The brother of the deceased, therefore, suspected involvement of the applicant herein in murder of the deceased.

4. Based on the facts disclosed during enquiry of accidental death, the Police Naik lodged the F.I.R. against the applicant and his brother-in-law – Bhatu Sonawane. The crime was investigated. The applicant and Bhatu Sonawane came to be proceeded against by filing the charge-sheet. It is informed that no sooner Bhatu Sonawane was granted bail, he committed suicide on account of ignominy due to false involvement in the crime in question.

5. The case is based on circumstantial evidence. The dead body of the deceased was found floating in a well on 23rd September, 2021. The postmortem report states cause of death is due to drowning. The name of the applicant herein figures in the F.I.R. only on the ground that he had taken the

deceased with him on 21st September, 2021 for work and returned village alone. On enquiry, the applicant had offered explanation that the deceased got down at village *Nhave* for consumption of liquor, but did not return. He, therefore, went away.

6. The statement of witness Ushabai would be of not much assistance for the prosecution. As per her statement, on 21st September, 2021 she was engaged in weeding out grass in the field of Narayn Kothavade by 02.30 p.m. Her work was over. The weed out grass was kept in the bundles. Two persons had come to take away those bundles. Those were unknown to her. After two days a dead body was found in the well. The prosecution wanted to suggest that those two persons were the applicant herein and the deceased. This is the only inference tried to be made out against the applicant based on the statement of Ushabai. She has not given description of those two persons in her statement to the police, nor the applicant was put to the test identification parade. Merely the applicant was in the company of the deceased on 21st September, 2021, cannot be attributed with committing murder of the deceased.

7. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released, in connection with Crime No. 188 of 2021 registered with Mehunbare Police Station, Dist. Jalgaon for the offences punishable under Sections 302, 294, 176 and 323 of the Indian Penal Code, on executing PR. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD