

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

BAIL APPLICATION NO. 968 OF 2022

Dnyaneshwar @ Bhaiyya Shivaji Gaikwad	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. R. K. Temkar, Advocate for applicant
Mr. A. V. Deshmukh, APP for respondent - State

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CORAM : R. G. AVACHAT, J.
DATED : 10th AUGUST, 2022

PER COURT :-

1. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0227/2021, registered at Rahuri Police Station, District Ahmednagar, for the offences punishable under Sections 302, 201 r/w 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report (FIR) and related papers.

An unidentified dead body of a lady in the age group of 18 – 20 years was found on 15.03.2021. It was found to be a

case of murder of that lady. A Police Naik, attached with Rahuri Police Station, therefore, lodged the FIR on the very day, alleging therein that some unknown person had murdered that lady for unknown reason. Three months thereafter, the informant gave a supplementary statement stating therein that the deceased was identified as Shital Pappu alias Appa Bhamre. According to the informant, the applicant was in live in relationship with the deceased. Both of them had quarrel inter-se many a time. The applicant and co-accused, therefore, took the deceased with them to drop her at her husband's house. On way, there was a quarrel between the applicant and the deceased. The applicant, therefore, first throttled her and then killed her with a stone. All these facts are said to have been disclosed during a disclosure statement made by the applicant under Section 27 of the Evidence Act.

3. Needless to mention the same is inadmissible in evidence. Only material which is sought to be relied on to connect the applicant with the offence in question is that his disclosure statement pursuant to which an ash of the burned clothes of the deceased was recovered. The same is stated to have been sent to the CA for analysis. Less said the better about such incriminating material. After having gone

through the police papers, this Court does not come across further incriminating material against the applicant herein. In the circumstances, the application is allowed in terms of following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Criminal Procedure. The applicant has been arrested in connection with Crime No.0227/2021, registered at Rahuri Police Station, District Ahmednagar, for the offences punishable under Sections 302, 201 r/w 34 of the Indian Penal Code, on his executing P R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

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