

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

CRIMINAL APPEAL NO.561 OF 2022

**DIGAMBAR @ DIGU NAMDEV MIRASE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. J.M. Murkute, Advocate for the Appellant
Mr. G.W. Wattamwar, APP for Respondent No.1/State
Ms. Pratibha H. suryawanshi, Advocate (appointed) for
respondent No.2

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 07 OCTOBER 2022

PER COURT:-

. With consent of both the sides, heard finally at admission stage.

2. This appeal is directed against the impugned order of rejection of bail in connection with Crime No.207 of 2022 registered at Hatta Police Station, Tq. District Hingoli.

3. Heard Mr. J.M. Murkute, learned counsel for the appellant, Mr. Wattamwar, learned APP for respondent No.1/State and Ms. Pratibha H. Suryawasnhi, learned counsel (appointed) for respondent No.2.

4. Mr. Murkute, learned counsel for the petitioner submitted that the investigation of the above said crime is over, and the investigating agency has filed the charge-sheet before the concerned Court. He submitted that there is no reason to keep the appellant behind the bars, when the charge-sheet is filed. He, therefore, urged to grant bail.

5. Mr. Wattamwar, learned APP for respondent No.1/State and Ms. Prathibha Suryawanshi, learned counsel (appointed) for respondent opposed to allow this appeal and grant regular bail to the appellant.

6. Both of them invited my attention to the suicide note left behind by the deceased. They submitted that the wife of the deceased has illicit relations with the appellant. The deceased got fed up and frustrated because of adulterous life of his wife, and constrained to commit suicide, leaving behind a suicide note running in ten pages. They submitted that having regard to the gravity of the offence alleged against the appellant, it is not a fit case to release him on bail, though the investigation is over and charge-sheet is filed.

7. I have considered the submissions of Mr. Murkute, learned counsel for the appellant, Mr. Wattmwar, learned APP for respondent No.1/State, and Ms. Pratibha Suryawanshi, learned counsel (appointed) for respondent No.2. Perused the copy of the impugned order passed by the learned Additional Sessions Judge, Basmathnagar in criminal bail application No.137 of 2022, copy of the F.I.R. and remand report.

8. On perusing the remand report and other papers, it is revealed that the present appellant came to be arrested in connection with Crime No. 207 of 2022 registered at Hatta Police Station on 26.05.2022. He was remanded to police custody, and thereafter, to judicial custody. The investigation of the above said crime is over, and the investigating agency has filed the charge-sheet before the concerned Court. There are no extraordinary circumstances to keep the appellant behind the bars. It may take some time to conclude the trial. The apprehension of tampering of witnesses can be taken care of by imposing certain conditions. With this, I conclude and proceed to pass the following order.

ORDER

- (i) The appeal is hereby allowed.
- (ii) The impugned order passed by the learned Additional Sessions Judge, Basmathnagar dated 22.06.2022 in Criminal Bail Application No.137 of 2022, is hereby quashed and set aside.
- (iii) The appellant/original accused **Digambar @ Digu S/o Namdev Mirase**, in connection with crime No. 207 of 2022 registered at Hatta Police Station, District Hingoli for the offences punishable under Section 306, 497, 506 of the Indian Penal Code and under Section 3(2)(5) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, he shall be released on bail on his furnishing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand only) with one or two sureties of the like amount on following conditions :-
- (a) The appellant shall not tamper with the prosecution witnesses and evidence in any manner.

- (b) The appellant shall furnish his in detail address with Cell Number with the trial court as well as the concerned police station.
- (c) Bail before the trial court.
- (iv) Inform the concerned court and police station accordingly.
- (v) The Criminal appeal is accordingly disposed of.
9. The professional fees of Ms. Pratibha H. Suryawanshi, learned counsel (appointed) for respondent No.2 is quantified at Rs.5,000/-. The Secretary, High Court Legal Services Sub Committee, Aurangabad is requested to make the payment of above said professional fees to Ms. Pratibha H. Suryawanshi, learned counsel (appointed).

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane