

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

BAIL APPLICATION NO. 1061 OF 2022

Bhagwan Vijaykumar Patil	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. B. N. Gadegaonkar, Advocate for applicant
Mr. V. S. Badakh, APP for respondent - State

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CORAM : R. G. AVACHAT, J.
DATED : 12th AUGUST, 2022

PER COURT :-

. 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.108/2021, registered with Badnapur Police Station, District Jalna, for the offences punishable under Sections 302, 201, 120(B), 394, 404 of the Indian Penal Code.

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

3. The FIR has been lodged by nephew of the deceased Sumanbai on 11.03.2022. It has been averred in the FIR that the deceased would reside alone at village Panshendra. Her husband passed away twelve years back. Her children are married. They are living away at different towns. In response to the police call, the informant went to the Government Hospital, Badnapur. He, there, identified the dead body of his Aunt – Sumanbai. It was noticed that there were number of injuries on the person of the deceased. He, therefore, lodged the FIR stating therein that some unknown person murdered his Aunt for unknown reason.

4. On investigation of the crime, it was revealed that the applicant and the co-accused (Rekha) have been in relationship. The deceased owed some money to the co-accused (Rekha). The deceased was avoiding to pay back. She (deceased) was also in the know of illicit relationship between the applicant and the co-accused Rekha. She had disclosed the same. The applicant and the co-accused, therefore, committed murder of the deceased. The deceased was also robbed of ornaments on her person.

5. The learned Advocate for the applicant would submit that the case is based on circumstantial evidence. There is nothing to

indicate the applicant's involvement in the alleged crime. The applicant is alleged to have had purchased a nylon rope and a sickle. Those articles are alleged to have been used in committing the murder. According to him, the charge-sheet has now been filed. He, therefore, urged for grant of application.

6. The learned APP would, on the other hand, submit that it is a serious offence. The shop owner identified the applicant as one who had purchased a nylon rope from his shop. The learned APP therefore urged for rejection of the application.

7. Considered the submissions advanced. Perused the FIR and the police papers. The case is based on circumstantial evidence. There is even no case of last seen theory. The deceased is alleged to have been murdered by use of a nylon rope and assault with a sickle. The applicant is alleged to have purchased the rope and sickle as well. There is nothing further to indicate those articles to have in fact been used in commission of the crime in question. Without making *prima-facie* observations about merits of the matter, suffice it to observe that it is a case for grant of bail. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.108/2021, registered with Badnapur Police Station, District Jalna, for the offences punishable under Sections 302, 201, 120(B), 394, 404 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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