

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

BAIL APPLICATION NO.1461 OF 2022

Sharad @ Pintu s/o. Shaligram Patil	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr.N.N.Desale, Advocate for applicant
Mr.V.S.Badakh, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : SEPTEMBER 22, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0263 of 2021 registered with Shindhkheda Police Station, Dist.Dhule, for the offences punishable under Sections 302 and 201 read with Section 34 of Indian Penal Code.

2. Heard learned counsel appearing for the parties.

3. The First Information Report (FIR) has been lodged by the Police Head Constable on 03.11.2021. He was entrusted with an enquiry into unnatural death of a dead body found in a well in the agricultural field of one Yeole. The post mortem examination report of the dead body indicates that the deceased died of head injury. Legs of

the dead body were tied with iron wire. Stones were used to dump the dead body in the well. As such, it was found to be a case of homicidal death. The Police Head Constable, therefore, lodged FIR, alleging that an unknown person committed murder of unknown person.

4. During investigation, it was revealed that present applicant had extra-marital relationship with the wife of the deceased. The dead body of the deceased was said to have been identified by his brother. The applicant came to be arrested. Pursuant to the disclosure statement made by him, an iron rod and a cell phone of the deceased came to be recovered. The C.A. report relating thereto is yet to be received. There is nothing to indicate that the cell phone belonged to the deceased, except the disclosure statement made by present applicant.

5. Considered the material on record. The co-accused i.e. the wife of the deceased, has been granted bail. Except the disclosure statement made by the present applicant, pursuant to which the cell phone and the iron rod came to be recovered, there is no *prima facie* case to connect the applicant's involvement in the crime. The C.A. report relating to the iron rod is awaited. It is

reiterated that there is nothing to indicate that the cell phone belonged to the deceased. The case is based on circumstantial evidence. On investigation, charge sheet has been filed. It will take time for commencement and conclusion of the trial.

6. In view of the above, the Court is inclined to grant the applicant bail. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0263 of 2021 registered with Shindhkheda Police Station, Dist.Dhule, for the offences punishable under Sections 302 and 201 read with Section 34 of Indian Penal Code., on executing P.R. 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.]

KBP