

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.3994 OF 2021

Avinash Miraso Jadhav

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Aniket U. Nikam i/by Mr.Amit Icham, Advocates for the Applicant.
Mr.Y.Y.Dabke, APP for the Respondent.

**CORAM : VINAY JOSHI, J.
DATE : 26th APRIL, 2022.**

P.C.:-

1. This application is for grant of regular bail in Crime No.256 of 2020 registered at Vishrambag Police Station, Sangli for the offence punishable under Sections 302 r/w 34 of the Indian Penal Code.
2. Besides usual grounds it is argued that the case is totally based on circumstantial evidence. The alleged recovery of blood stained clothes is suspicious. The place of occurrence was already within the knowledge of police and therefore, disclosure statement made under Section 27 of the Evidence Act loses its significance. It is also pointed out that co-accused Dattatraya facing similar allegation was already released on bail by this court.
3. It is prosecution case that on intervening night on 10th November, 2020 to 11th November, 2020 the deceased Pradip has been eliminated at secluded place. Brother of deceased had filed report. In supplementary statement informant stated about motive that in the year 2015 applicant had borrowed Rs.4,500/- from deceased and therefore, they had dispute. Though police have

recorded disclosure statement of applicant, however, already dead body was found from the same place which was allegedly shown by applicant as a place of occurrence. The statement of applicant's father indicates that the applicant informed him about his quarrel with deceased on earlier night. *Prima facie*, that cannot be construed as extra judicial confession, since the statement does not travel beyond mere quarrel.

4. Statement of one of the police personnel on petroleum duty was recorded. He stated that on 11th November, 2020 around 1.15 a.m. he saw that one auto-rickshaw turned turtle in which the applicant and co-accused were travelling. He further stated that there were blood stains on the person of both of them. It is a matter of trial whether the blood stains relates to the existing crime or an outcome of accident. The case is based on circumstantial evidence. Besides above material, prosecution is unable to point out any other incriminating circumstances. The investigation is complete and charge-sheet has been filed. Co-accused is released on bail. In view of that, applicant has made out a case for bail. Hence, following order:-

(a) The application stands allowed.

(b) The Applicant/accused Avinash Miraso Jadhav is released on bail in connection with the Crime No.256 of 2020 registered at Vishrambag Police Station, Sangli for the offences punishable under Sections 302 r/w 34 of the Indian Penal Code, on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.

(c) The applicant/accused shall not directly or indirectly make any inducement, threat or promise

to any person acquainted with the facts of the case, as also shall not tamper with the prosecution evidence.

(d) The application stands disposed of in above terms.

(VINAY JOSHI, J.)

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