

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

CRIMINAL BAIL APPLICATION NO. 199 OF 2022

Sachin Laxman Jadhav ...Applicant

Versus

State of Maharashtra ...Respondent

....

Mr. Shailesh Kharat, Advocate for the Applicant.

Mr. M.G. Patil, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 14th OCTOBER, 2022.

PER COURT:

1. The applicant is arrested on 8th June, 2021 in connection with C.R. No. 105 of 2021 registered with Alandi, Dist. Pimpri-Chinchwad Police Station for offence under Section 302, 201 r/w 34 of Indian Penal Code.

2. The prosecution case is that the body of the deceased was found in gunny bag floated in the river on 4th June, 2021. The case is based on circumstantial evidence. The deceased was allegedly killed by the applicant and co-accused and with the view to destroy evidence the body was thrown in the river.

3. Learned counsel for the applicant submits that there is no strong evidence to involve the applicant in the present case. Two other accused who are attributed similar role are granted bail by the Sessions Court. The applicant has been falsely implicated in this case. The prosecution is relying upon the theory of last seen

together which is not convincing. The investigation is completed and charge-sheet is filed.

4. Learned APP submitted that there is evidence of last seen together. The statement of the witnesses in that regard has been recorded. Gunny Bag was purchased by the accused which was used for destroying the evidence. The statement of shop keeper from whom gunny bag recovered has been recorded. The statement of the wife of the deceased indicate that the accused had left together with deceased. Thus, there are circumstances to show involvement of the applicant in the crime. The wire used in strangulating the deceased has been recovered at the instance of the applicant.

5. Undisputably there is no direct evidence against the applicant. The applicant is in custody. Investigation is completed and charge-sheet is filed. There is no eye witnesses of the incident. The postmortem report does not indicate any injuries on the person of the deceased. Cause of death is reserved. The case is based on circumstantial evidence. The statement of the witness Manjulabai Nanawat was recorded on 16th June, 2021 with reference to the last seen together circumstance. The co-accused granted bail by the Sessions Court are similarly placed. The applicant need not be

subjected to further detention.

ORDER

- i. Criminal Bail Application No. 199 of 2022 is allowed;
- ii. The applicant is directed to be released on bail in connection with C.R. No. 105 of 2021 registered with Alandi, Dist. Pimpri-Chinchwad Police Station on executing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- iii. The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for a period of eight weeks in lieu of surety.
- iv. The applicant shall report concerned Police Station on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- v. The applicant shall not tamper with the evidence.
- vi. Application stands disposed off.

(PRAKASH D. NAIK, J.)