

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.339 OF 2022**

Pandurang Ashok Patil .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Ms.Misbaah Solkar with Neha Thakkar for the applicant.
Mr.S.H.Yadav, APP for the State.
PI R.K. Mohite present.

**CORAM: BHARATI DANGRE, J.
DATED : 15th SEPTEMBER 2022**

P.C:-

1 The applicant is charged for causing death of his sister Pratibha and the case of the prosecution is that Pratibha was not seen after 1/5/2020 and according to the prosecution, on that date, a quarrel had ensued between Pratibha and her four brothers.

2 When the learned APP is asked to pin-point the material against the present applicant, he has pointed out a disclosure statement u/s.27, the learned APP is only reminded of the fact that the statement is inadmissible in evidence and it is settled position of law that only if the statement led to a discovery of certain fact or a thing, it is admissible in evidence.

The charge-sheet contain a statement of Kiran Patil who was having an affair with Pratibha, but he state the he discontinued the relationship. The statement of the witnesses are either hear-say or assert the fact that Pratibha was not seen for some period of time and it has surfaced on the witnesses that she was in a habit of leaving the house for 15 days to one month, without informing the family and when questioned, she use to indulge in quarrel.

3 The learned counsel for the applicant would rely upon the order of co-accused Balaji Ashok Patil and Natha Ashok Patil, the two brothers of the applicant, who on the basis that, the case of the prosecution is based on circumstantial evidence and there is no material indicating direct involvement of the said accused in the offence u/s.302 IPC, came to be released on bail.

4 I see no reason why same analogy shall not be made to the present applicant and in absence of any particular circumstances, indicating his involvement or connection to the death of Pratibha. Hence, the following order :-

ORDER

- (a) The Applicant – Pandurang Ashok Patil in connection with C.R.No.359/2020 registered with Daighar Police Station shall be released on bail on furnishing P.R. bond to the extent of

Rs.25,000/- with one or more sureties of the like amount.

The applicant shall be released on cash bail of Rs.25,000/- in lieu of sureties for a period of six weeks. During the said period, the applicant shall arrange for the sureties.

- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.
- (c) The Applicant shall attend the trial on regular basis.
- (e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)