

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2666 OF 2021

Harichandra Ramakrut Yadav .. Applicant
Versus
The State of Maharashtra .. Respondent

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Ms.Reshma Mutha with Hareskrishna Mishra for the applicant.
Mr.A.A. Palkar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 9th JUNE, 2022

P.C:-

1 The applicant is charge-sheeted in C.R.No.52/2020 registered by Palghar police station for the offence punishable u/s.302 and 201 of the IPC. The applicant came to be arrested on 14/12/2020 and on 23/2/2021, he came to be charge-sheeted. His Bail Application was rejected by the Sessions Court, Palghar and the covid bail was also refused to him, resultantly, he remain incarcerated.

2 On 12/12/2020, Police Sub-Inspector of Tarapur Police Station reported, that information was received by him to the effect that from Flat no.101, C-17 building of Chhaya Niwas

in PASTHA¹, foul smell was emanating and therefore, with his squad, he reached the spot. It was informed that the said flat was taken on rent by one Ravindra Rajaram Pawar and he was staying there with his wife and daughter for last 1 ½ years.

When the flat was unlocked, two dead bodies were found, one belonging to a woman, aged 49 years and other belonging to a woman, aged 30 years, who was recognized as Sonali Ravindra Pawar. After performing the Inquest, the bodies were sent for post mortem.

2 On the basis of the complaint, since two women were found to have been done to death by a weapon, by some unknown person for some unknown reason, the offence came to be registered u/s.302, 201 of the IPC.

During the course of investigation, the accused no.1 Ravindra Pawar, the husband of the deceased no.1 and father of the deceased no.2 came to be arrested.

The applicant's name surfaced in the remand proceedings as a person who conspired with accused no.1, who throttled deceased no.1 and stabbed deceased no.2, when she objected to the killing of her mother, and it was alleged that their *streedhan* and other important papers were taken away by the accused persons.

3 During the course of investigation, the statement of watchman of the building came to be recorded on 31/12/2020,

who stated that on 6/12/2020, he was on duty along with other guards and while he was on duty, at around 8.00 p.m, one person arrived at the spot on a scooter and since he was honking and indicating to open the door, Ravindra Pawar residing in the building came out and he instructed the watchman to let the unknown person inside. However, he also state that though he let him in, he did not register the number of the vehicle or name of the person in the register. Since he was on double duty, he entrusted the charge to Harichandra Yadav and left home. He was informed by Harichandra Yadav that the person who entered at 8.00 clock left the premises at 8.30 and even he did not effect any entry in the Registry of his exit. Pertinent to note that the said watchman state that on the next day, he came to know that the person who came on the scooter and Ravindra Pawar had committed murder of the two women. He however, did not identify the present applicant.

4 Statement of Harichandra Yadav, another watchman is also compiled in the charge-sheet, which was recorded on 31/12/2020 and he give somehow similar version and corroborate Dinesh Sahani, the first watchman.

The charge-sheet also include the CCTV footage through one Pandit Rai, the said footage has been brought on record. He has stated that from the DVR, he had produced the footage from 5/12/2020 to 11/12/2020 and this include the footage of 6/12/2020 at around 8'O clock, when out of the two

persons entering in the building, one person is Pawar, residing in room No.101 on the first floor. It is stated by him that he came to know that Pawar had murdered his wife and daughter and he was arrested. Even this person has not identified the present applicant.

5 When the learned APP is specifically asked about the material compiled against the present applicant in the charge-sheet, he submit that the present applicant is accused of hatching a conspiracy with the main accused in murdering his wife and daughter since the deceased no.1 was objecting to the relationship maintained by the accused no.1 with her daughter. On specifically inquiring with the learned APP, whether any Test Identification Parade has been conducted and whether the two watchmen have identified the applicant, the answer is in the negative. The charge-sheet do not contain any material, reflecting the motive for the applicant to murder the deceased and even his vehicle is not identified. The two watchman have only stated that they have allowed some person inside the building on being permitted by the accused no.1, but there is no Identification Parade, identifying the said person entering the building to be the present applicant.

6 In the light of the above, since the investigation is complete and charge-sheet is filed, prima facie establishing that the accused no.1 is responsible for committing murder of his wife and daughter, but since the role of the applicant do not clearly

surface in the charge-sheet, in my considered opinion, the applicant deserve his release on bail. Hence, the following order :-

ORDER

- (a) The Applicant – Harichandra R. Yadav in connection with C.R.No.52/2020 registered with Tarapur Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (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.
- (d) The Applicant shall attend the trial before the Sessions Court on regular basis, unless and until exempted.

The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)