

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Criminal Application (BA) No. 435 of 2022

Suddhodhan Ashok Sonone

Versus

The State of Maharashtra, through Police Station Officer Asegaon,
Washim

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.N.Ali, Advocate for the applicant.

Shri T.A. Mirza, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 24th JUNE, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 268 of 2021 registered with Police Station Asegaon, Washim for the offence punishable under Section 302 read with Section 34 of Indian Penal Code.

2. Learned counsel for the applicant submits that whole case is based on circumstantial evidence and there is no direct evidence against the applicant. However on the basis of last seen theory he has been arraigned as accused.

3. Learned counsel for the applicant submits that applicant is in jail since July, 2021 and as the chargesheet has already been filed, the custody of the applicant is not necessary.

4. He further submits that even the recovery of clothes, motor-cycle and mobile phone from the applicant did not connect the applicant with the alleged offence. Accordingly, he prays that the applicant may be released on bail.

5. Learned Additional Public Prosecutor strongly opposed the application and submits that there is a statement of complainant which shows that the deceased and the applicant were good friends and they were lastly seen together. Accordingly, he prays for rejection of the present application.

6. I have perused the chargesheet and the First Information Report.

7. The whole case is based on circumstantial evidence. It appears that except that the applicant was a good friend of deceased, there is no direct evidence to show any *prima facie* involvement of the applicant in the alleged offence.

8. The applicant is in jail since July, 2021 as the chargehseet has already been filed, his custody

is no more required. Furthermore, there is no significant progress in trial.

9. In the above referred backdrop, there is no purpose in keeping the applicant in jail for uncertain period particularly when there was no criminal antecedents against the applicant.

10. Moreover, there is nothing to show that the applicant would pressurize the prosecution witness or he will tamper with the prosecution evidence or he will not be available for trial. Accordingly, I pass the following order.

i. It is directed that the applicant shall be released on bail in Crime No. 268 of 2021 registered with Police Station Asegaon, Washim for the offence punishable under Section 302 read with Section 34 of Indian Penal Code, on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount.

ii. The applicant shall attend the concerned police station on 1st and 16th day of every month between 10 am to 12 noon till the conclusion of the trial.

iii. The applicant shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with the facts of the case, as also not tamper with the evidence;

iv. State is at liberty to apply for cancellation of bail in case the applicant commits similar offence.

[ANIL S. KILOR, J.]

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by
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