

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

CRIMINAL APPLICATION (BA) NO.854 OF 2022

Adarsh S/o Ashok Humnekar

Versus

State of Maharashtra, through P.S.O., P.S. Kalmeshwar, Dist. Nagpur

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

Court's or Judge's Order

Shri M.V. Rai, Advocate for the applicant.

Shri A.R. Chutke, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 03/08/2022

1. The applicant is seeking bail in Crime No.715 of 2021, dated 19.12.2021, registered with Police Station Kalmeshwar, District: Nagpur, for the offences punishable under Sections 364, 302 and 201 read with Section 34 of the Indian Penal Code.

2. Shri Rai, learned counsel for the applicant submits that the statement of a witness on the basis of which the First Information Report (FIR) was registered, was recorded after 14 days of the incident.

3. He further submits that even the statements of witnesses who are saying that extra judicial confession was made before them by the accused No.1, were recorded belatedly after 14 days. He therefore, submits that there is

no direct evidence against the applicant to show that the applicant is involved in the alleged offence.

4. He submits that as the charge-sheet has been filed, further custody of the applicant is not necessary and accordingly, he prays for grant of bail.

5. On the other hand, Shri A.R. Chutke, learned APP strongly opposes the present application and submits that the body of the deceased was recovered at the instance of the accused No.1. He points out from various statements of witnesses that at the relevant time, the applicant was present with the accused No.1 and the deceased. He therefore, submits that sufficient evidence is there and as the offence is very serious, this Court may not grant bail to the applicant.

6. I have perused the Charge-sheet and the FIR.

7. Though the statements on the basis of which the FIR came to be registered was recorded belatedly, however, missing report was lodged on 09.11.2021 i.e. on the next day. Furthermore, the Investigation Officer has collected sufficient incriminating material against the applicant and the accused No.1.

8. In this case, the body of the deceased was recovered at the instance of the accused No.1 from the well. The statement of Karan Sunil Bende, is recorded by the Investigation Officer, who had seen the present applicant along with the deceased and the accused No.1 on the date of incident and to whom, the applicant disclosed the fact of commission of present crime by giving extra judicial confession. Similarly, there are statements of Dayaram Zamsingh Chandrawanshi, the mother of Dayaram Zamsingh Chandrawanshi and other witnesses which are sufficient to connect the applicant with the alleged offence.

9. Thus, considering the incriminating material available on record, I am not inclined to grant bail. Accordingly, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]