

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1293 OF 2023

Raju Pralhad Lad

Applicant.

Versus

State of Maharashtra

Respondent.

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Mr. R.J. Nirmal, Advocate for applicant.

Mr. K.S. Patil, APP for respondent

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CORAM : S.G. CHAPALGAONKAR, J.

DATE : 23rd AUGUST, 2023.

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ORDER :-

1. By this application, the applicant is seeking regular bail in connection with Crime No.10 of 2023 registered with Ajintha Police Station, District Aurangabad for the offence punishable under section 302 of the Indian Penal Code.

2. The accused/applicant is facing prosecution with allegations that on 15.1.2023 he killed Kiran Narayan Suradkar on suspicion of having illicit relationship with his wife. The investigation was set in motion by the FIR dated 20.1.2023 on information given by the brother of deceased i.e. Deepak Narayan Suradkar, who state that since 15.1.2023 his brother Kiran was missing. On 20.1.2023 dead body of Kiran was found in a well situated in the field of Panjabrao Daud. His mobile was found near the well. Dead body was identified by him. It is further alleged that wife of the applicant had illicit relationship with

Chetan Daud as well as deceased Kiran. Therefore, the applicant murdered Kiran. In pursuance of the aforesaid information Crime No.10 of 2023 was registered. The applicant has been arrested on 21.1.2023. Since then he is behind bar. After due investigation, charge-sheet is filed in the Court at Aurangabad.

The applicant moved bail application before the Sessions Court. However, it has been rejected vide order dated 10.7.2023.

3. Mr. Nirmal, learned Advocate appearing for the applicant would submit that case of the prosecution is based on circumstantial evidence. The entire material in charge-sheet do not pin point guilt against the applicant. He would submit that the applicant had no motive to commit the murder. The alleged transcript of conversation between the deceased and wife of the applicant namely Renuka does not spell illicit relationship that would constitute motive for commission of the offence. He would submit that the investigation is completed. Charge-sheet is filed. The applicant is behind bar for about 7 months. Interest of the prosecution can be secured by imposing the conditions. Hence, he urged for applicant's enlargement on bail.

4. Per contra, learned APP would submit that the transcript so also the statement of wife of the applicant shows that the deceased had developed illicit relationship with the Renuka i.e. wife of the applicant. There is evidence of last seen together. The applicant is seen in the company of the deceased at the hotel where they consumed liquor. He would further submit that there is recovery of incriminating article i.e. stone used by the accused for inflicting the injury on head of the deceased. He would further submit that the statement of Renuka i.e. wife of the applicant also spells out the confession. He would further

submit that in case of applicant's release on bail, possibility of tampering with the evidence cannot be ruled out.

5. Having considered the submissions advanced by the learned advocates appearing for the respective parties, it can be observed that body of the deceased was found in a well in a field owned by Panjabrao Daud on 20.1.2023. Thereafter, the applicant has been arrested on suspicion. Prosecution relies upon the circumstance that the accused had strong motive of commission of murder of the Kiran, but contents of the transcript are insufficient to spell out illicit relationship. True that in the statement of Renuka she admits about such relationship, however, veracity of her statement needs to be weighed during the trial. Prosecution relies upon another circumstance of recovery of incriminating article i.e. stone alleged to have been used by the accused at the time of the incident. Prima facie, recovery appears to be from a place which is accessible to general public. It does not show the blood stains. There is no other linking evidence by which it can be said that the recovery of stone is incriminating. The third circumstance relied upon by the prosecution is last seen together. It is based on CCTV footage, which needs to be proved during the trial. Even taking the entire evidence together, prosecution case falls short to bring impeccable material. Prima facie, the case is made out for grant of bail. However subject to certain conditions that would take care of the apprehension raised on behalf of the prosecution. Hence, the order.

ORDER

- i. The Bail Application is allowed.
- ii. The applicant Raju Pralhad Lad be enlarged on bail in RCC No.86 of 2023 (Crime No.10 of 2023) registered with Ajintha Police Station, District Aurangabad for the

offence punishable under section 302, 201 of IPC subject to furnishing of P.R. Bond in the sum of Rs.50,000/- (Rs. Fifty Thousand) with one solvent surety of the like amount.

- iii. The applicant shall not tamper with the prosecution evidence in any manner and shall not leave Aurangabad District without written intimation to the concerned police station.
- iv. The applicant shall attend the Trial Court on hearing dates.
- v. Bail application is accordingly disposed off.

[S.G. CHAPALGAONKAR, J.]

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