



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

BAIL APPLICATION NO. 2106 OF 2023

Pramesh Vinod Valvi

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

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Advocate for Applicant : Mr. D.S. Bagul

APP for Respondent : Mr. A.S. Shinde

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(CORAM : S. G. CHAPALGAONKAR, J.)

Dated: December 13, 2023.

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PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.0248 of 2023 registered with Visarwadi police station, Nandurbar, District Nandurbar for the offences punishable under sections 302, 201 r/w 34 of the Indian Penal Code.

2. Investigation was set in motion on the basis of the information given by Police Patil Tarun Shivaji Gavit that on 22.6.2023 he received information about a dead body found at Bhardu Dam. Hands of dead person were tied. Rope was tied on his neck and dead body was floating in dam water. On removal of dead body from the dam, it was noted that his hand was endorsed name as 'Rohidas'. There were signs of decomposition. Subsequently, it was revealed that deceased is Rohidas Ilamji Vasave. Investigation progressed. Applicant has

aaa/-

been arrested on 18.7.2023. On completion of the investigation, charge-sheet is filed. Prayer of the applicant for grant of bail has been rejected by the Court of Sessions vide order dated 11.10.2023.

3. Mr. Bagul, learned advocate appearing for the applicant vehemently submit that this is a case of false implication. Prosecution relies upon the circumstantial evidence to bring home guilt of the accused persons. He would submit that except so-called motive, no other circumstances surfaced during course of the investigation that would bring complicity of the applicant in commission of offence. He invites attention of this Court to the prime witness namely Mangesh Manga Vijay Valvi, which depicts that some attributions are made against accused Vinod Vijesing Valvi i.e. father of the applicant. However, there is no reference of any role or contribution of the applicant in commission of the offence. He would submit that accused no.3 is already enlarged on bail. Therefore, he urges to release the applicant on bail.

4. Learned A.P.P. strongly opposes the prayer. He would submit that statement of witnesses clearly show that applicant and his father had threatened the deceased Rohidas which indicates strong motive regarding involvement of the applicant. He would further submit that, supplementary statement of witnesses named in the charge-sheet is prima facie sufficient to establish his involvement. The case is based

on circumstantial evidence. Charge-sheet is filed. At the most trial can be expedited.

5. Having considered the submissions advanced and material in the charge-sheet, it can be gathered that case of the prosecution is based on circumstantial evidence. Motive of the offence is said to be illicit relations between accused no.3 and the deceased. The applicant is son of accused no.3. Statement of witnesses suggest that previously applicant and his father had threatened the deceased for aforesaid reason. However, the material witness relied upon by the prosecution i.e. Mangesh @ Manga Valvi states about role of accused no.1 Vinod Valvi in pursuance of alleged offence. His statement do not depict involvement of the applicant in commission of offence. Similar is statement of witness Shakila Mangesh Valvi. The statement of Pritesh Rohidas Vasave i.e. son of deceased can be relied upon only to bring motive of the accused persons, however, it does not throw light on the actual incident. Supplementary statement of the witnesses are recorded, wherein, on the basis of so-called disclosure statement made by the accused persons, complicity of applicant is sought to be brought on record.

6. Apparently, there is no admissible evidence on record by which chain of circumstance to bring home the guilt of accused/applicant can be established. Investigation in the matter is complete. Charge-sheet is filed. Applicant is behind the bar for more than four months. Learned APP confirms that

there are no criminal antecedents. In that view of the matter, case is made out for grant of bail. Hence, the following order.

O R D E R

- i. Bail Application is hereby allowed.
- ii. The applicant - Pramesh Vinod Valvi be released on bail in connection with Crime No.0248 of 2023 registered with Visarwadi police station, Nandurbar, District Nandurbar for the offences punishable under section 302, 201 r/w 34 of the Indian Penal Code on his furnishing P.B. & S.B. of Rs.50,000/- (Rs. Fifty Thousand) on following conditions :-
 - a] The applicant shall not tamper with the prosecution evidence in any manner.
 - b] The applicant shall attend each and every effective date before the trial court.
 - c] The applicant shall not indulge himself into any criminal activities.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

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