

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

**CRIMINAL APPLICATION (BA) NO.412/2023**

**Amol Vishnu Dharme**

**..VS..**

**State of Mah., thr.PSO PS Chikhaldara, District Amravati**

.....  
Office Notes, Office Memoranda of Coram,  
appearances, Court orders or directions  
and Registrar's orders

Court's or Judge's Order

.....  
Shri P.V.Navlani, Counsel for the Applicant.  
Shri I.J.Damle, Additional Public Prosecutor for the State.

**CORAM : URMILA JOSHI-PHALKE, J.**

**CLOSED ON : 08/06/2023**

**PRONOUNCED ON : 13/06/2023**

1. By this application under Section 439 of the Code of Criminal Procedure, the applicant seeks bail in connection with Crime No.2/2023 registered with Chikhaldara Police Station for offences punishable under Sections 302 and 201 of the Indian Penal Code.

2. The applicant is arrested on 3.1.2023 and since then he is in jail.

3. As per the prosecution case, on 9.4.2023 some parts of human skeleton were found at village Khatkali forest Vankhand No.1020 within the jurisdiction Chikhaldara Police Station and, therefore, merg report was lodged bearing No.12/2022 under Section 174 of the Code of Criminal Procedure. During enquiry, it revealed that on

17.2.2022, one Bharti Vishnu Nagore was missing and a missing report was lodged on 18.2.2022. The DNA Sample of son of Bharti Nagore was obtained and it revealed that the skeleton is of said Bharti Nagore and identity of the deceased was established and, therefore, on 2.1.2023 Shivram Nagore, relative of the deceased, raised suspicion against the applicant and the applicant is arrested. It is alleged that there were illicit relations between the deceased and the applicant and, therefore, suspicion was raised that the applicant has killed the deceased. On the basis of the report, the police registered the crime and the applicant is arrested.

4. As per the contentions of the applicant, merely on suspicion, he is arrested. In fact, he is also at all not concerned with the alleged offence. There was no illicit relation between him and the deceased. The suspicion is not supported by a single circumstance implicating him with the alleged offence. There is no criminal antecedent against him. Now, investigation into the crime is completed and chargesheet is filed and further interrogation of the applicant is not required.

5. The said application is strongly opposed by the

State on the ground that there were illicit relations between the applicant and the deceased and, therefore, there is strong ground to infer that the applicant is having motive to commit the offence. If he is released on bail, he will tamper with the prosecution evidence and, therefore, the application of the applicant deserves to be rejected.

6. Heard learned counsel Shri P.V.Navlani for the applicant and learned Additional Public Prosecutor Shri I.J.Damle for the State.

7. Learned counsel Shri P.V.Navlani for the applicant reiterated the contentions and submitted that there is absolutely no evidence to connect the applicant with the present crime. Though the son of the applicant lodged the report, at the time of filing of missing report, no such suspicion was raised. The witnesses also have not raised the suspicion when the skeleton of the deceased was found. After thought, this false report is lodged against the applicant. Now, investigation is completed and chargesheet is filed. Considering the nature of material collected by the investigating officer, the applicant be released on bail.

8. The application is strongly opposed by the State on the ground that there was love affair between the

deceased and the applicant. The applicant is a married person and to suppress his illicit relationship, he killed the deceased.

9. Having heard both the sides and perused the investigation papers, it reveals that, regarding the alleged incident, the missing report was lodged by the relative of the deceased immediately on 18.2.2022. In the said missing report, no suspicion was raised against the applicant and, thereafter, on 9.4.2023 parts of human skeleton were found at village Khatkali forest. The investigating officer immediately called the relatives of the deceased. The sample of DNA of son of the deceased was obtained to establish the identity of the deceased. The investigating officer also recorded the statements and none of witnesses raised suspicion against the applicant. First time, the said suspicion was raised by the relatives of the deceased on 4.1.2023. Thus, the report is lodged at belated stage and no explanation is put forth by the witnesses. During the investigation, though the investigating officer recorded various statements, no direct evidence is collected to connect the applicant with the alleged offence. At this stage, only the statements of the witnesses are material to connect the applicant with the alleged offence. Besides the

same, the prosecution placed reliance on memorandum statement of the applicant by which the applicant has shown the spot of the incident. Now, investigation is completed and chargesheet is filed.

10. Considering the nature of material collected by the investigating officer, further custodial interrogation is not required and the applicant can be released on bail by imposing certain conditions. Accordingly, I pass following order:

**ORDER**

(1) The application is **allowed**.

(2) The applicant is released on bail, in connection with Crime No.2/2023 registered with Chikhalدارa Police Station for offences punishable under Sections 302 and 201 of the Indian Penal Code, on his executing a P.R.Bond in the sum of Rs.25000/- with one solvent surety of the like amount.

(3) The applicant shall furnish his cell phone, address of residence where he will reside along with address proof, and names of two nearest relatives with their address's proof to the investigating officer investigating into the crime in question.

(4) The applicant shall not induce or threat or promise to any of witnesses connected with the crime in question and shall not tamper the prosecution evidence.

With this, the criminal application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!