



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

CRIMINAL APPLICATION (BA) NO. 770 OF 2023

Tejsingh @ Dipak Kisansingh Yadav
.Vs.

State of Maharashtra, through Police Station Officer, P.S. Hinganghat, Dist. Wardha

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

Shri Naresh Raut, Advocate for the applicant
Shri Vinod Thakre, APP for State

CORAM : SHIVKUMAR DIGE, J.
DATE : 2nd NOVEMBER, 2023.

1. By this application, applicant is seeking regular bail in Crime bearing No.1048 of 2021 registered with Hinganghat Police Station, District Wardha for the offences punishable under Sections 302 and 177 of the Indian Penal Code, 1860.

2. It is prosecution case that applicant had assaulted the deceased with iron rod on his legs and thereafter he threw him before the running railway to show that death of deceased caused due to accident. In investigation, police revealed that deceased had ill eye on sister-in-law and wife of applicant. On that count, applicant assaulted the deceased with iron rod on his legs and threw him before the running railway due to which deceased died.

3. It is contention of learned counsel for the applicant that applicant has been falsely implicated in this case. Initially, accidental death report was registered by the police. After four days of incident, police had arrested applicant in connection of crime on the basis of extra judicial confession made by the applicant while talking with his wife on mobile phone. Extra judicial confession is a weak type of evidence and no report regarding the voice sample and alleged confession made by applicant is produced with charge-sheet. Applicant is behind bar more than two years. Yet charge has not been framed. Hence, requested to allow the application.

4. It is the contention of learned APP that applicant and deceased were friends. There was quarrel between them. On that count, applicant assaulted deceased on his legs and thereafter, he threw him before the running train. Applicant created the scene that deceased died due to railway dash. Thereafter, applicant informed his wife not to tell any one about the incident that he had killed the deceased. The said conversation was recorded in the mobile phone of brother-in-law of applicant. Applicant himself has confessed about killing of deceased. There is strong *prima-facie* case against the

applicant. Learned APP further submitted that iron rod is recovered at the instance of applicant. Hence, requested to reject the application.

5. I have heard both counsel. Perused the first information report and charge-sheet.

6. Initially the accidental death report was registered in respect of death of deceased. It is alleged that applicant had informed his wife about the death of deceased and told her not to tell anyone about killing of deceased. On that basis, police arrested the applicant. The report of conversation between applicant and his wife has not been filed alongwith charge-sheet. It appears that prosecution case is based on extra judicial confession made by the applicant. Admittedly, extra judicial confession is a weak type of evidence. Applicant is behind bar more than two years. Yet charge has not been framed. Investigation is completed. Charge-sheet is filed. It may take time to conclude the trial.

7. Considering the above facts, I am inclined to allow the application and I pass the following order:-

- i) Criminal application is allowed.
- ii) Applicant- **Tejsingh @ Dipak**

Kisansingh Yadav be released on bail in Crime No.1048/2021, registered with Hinganghat Police Station District: Wardha for the offences punishable under Sections 302 and 177 of the Indian Penal Code, on his furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.

iii] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall co-operate the investigation officer.

vi] The applicant shall attend the concerned Police Station on first Monday of every month between 11.00 am to 1.00 p.m. till framing of the charge.

8. The Criminal Application stands **disposed** of accordingly.

(SHIVKUMAR DIGE, J.)