



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

Criminal Application [BA] No.805 of 2023

Ghanshyam Sudhakar Uike

vs.

The State of Maharashtra, through P.S.O., Police Station Kalmana, Nagpur

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

Court's or Judge's Orders

Mr. M.D. Raut, Advocate for the Applicant.

Mrs. M.A. Barabde, A.P.P. for the Non-Applicant/State.

CORAM : M.W. CHANDWANI, J.

DATE : 6th OCTOBER, 2023.

The applicant seeks bail in connection with Crime No.671/2022, registered with Police Station Kalmana, Nagpur for the offence punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code.

02] Heard the learned Counsel for the applicant as well as the learned A.P.P. for the State.

03] The charge-sheet transpires that after leaving her husband and children, deceased Rajni Pendam was live-in relationship with the applicant since last three years. On 28/11/2022, dead body of deceased Rajni was found at Pawangaon to Kamptee Road, Nagpur. The mother of deceased identified the dead body of deceased and, thereafter, she informed the Police that deceased had called her on phone and informed that the applicant used to beat her under the influence of liquor and, therefore, she does not want to reside with the applicant. On 25/11/2022, deceased had again called her mother and informed that the brother of the applicant had threatened her to kill. Therefore, on the statement of the complainant, applicant came to be arrested.

04] The learned Counsel for the applicant submitted that there is no eye witness to the incident. The dead body of the deceased was found on Pawangaon-Kamptee Road. Though there is recovery at the instance of the applicant, there is no substantive piece of evidence. It is submitted that the prosecution only on relying the circumstantial evidence, arrested the applicant on 30/11/2022 and since then, the applicant is behind the bars.

05] *Per contra*, the learned A.P.P. for the State objected the bail application on the ground that three days prior to the incident, quarrel took place between the applicant and the deceased. After strangulation with scarf, the applicant and other co-accused thrown the dead body of the deceased in an isolated place. There is no eye witness to the incident. The prosecution is relying only on recovery of scarf made at the instance of the applicant, by which the deceased was allegedly strangled by the applicant.

06] It is revealed that the applicant caused death of Rajni by strangulating her with scarf. There is no direct evidence in this case. Except the material in the form of quarrel, which took place prior to three days of the incident and discovery of the scarf at the instance of the applicant, there is no other material. The investigation is already completed and the charge-sheet is already filed. There is no antecedents of the applicant. Trial will take considerable time. The applicant is having fixed place of abode. There is no likelihood that the applicant will flee away from justice.

07] Considering the submissions of the learned Counsel for the applicant and considering the material against the applicant, a case is made out for exercising discretion in favour of the applicant. Hence, the following order is passed :

ORDER

- i. The application is allowed.
- ii. Applicant – Ghanshyam Sudhakar Uike be released on bail in Crime No.671/2022 registered with Police Station Kalmana, Nagpur, on his furnishing a P.R. Bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one solvent surety in the like amount.
- iii. The applicant shall attend the trial Court on each and every date.
- iv. The applicant shall not threaten the prosecution witnesses and shall not tamper with the evidence.
- v. The application is disposed of in the above terms.

JUDGE

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