



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

CRIMINAL APPLICATION (BA) NO. 830 OF 2023

Om @ Omprakash Namdeoraoji Pathade
.Vs.

State of Maharashtra, through its Police Station Officer, Karanja (Ghadge) District Wardha

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

Ms Punam D. Pisurde, Advocate for the applicant
Mr S.S. Hulke, APP for State

CORAM : SHIVKUMAR DIGE, J.

DATE : OCTOBER 31, 2023.

Heard.

2. By this application, the applicant is seeking regular bail in Crime bearing No. 93 of 2022 registered with Karanja (Ghadge) Police Station, District Wardha for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code.

3. It is prosecution case that a dead body of unknown person was found. In the investigation, police arrested applicant and co-accused in connection with the murder of deceased Dorilal @ Raju Bansilal Nagwanshi. It is alleged that applicant and co-accused beaten the deceased and thereafter, they committed murder of the

deceased. Pliers is recovered at the instance of applicant.

4. It is the contention of learned counsel for the applicant that prosecution case is based on circumstantial evidence. Applicant has been arrested after nine months of the incident. The witnesses have stated against the applicant. Their statements were recorded after nine months of the incident. Applicant is behind bar for more than one year. Yet trial has not been commenced. Hence requested to allow the application.

5. It is the contention of learned APP for the State that there was dispute between applicant, co-accused and deceased on the issue of drinking liquor and on that count initially applicant and co-accused beaten the deceased with wooden stick. Thereafter they both took the deceased with them on their motorcycle and committed murder of the deceased. The weapon pliers, used in the crime, is recovered at the instance of the applicant. There is prima-facie case against the applicant. Hence requested to reject the application.

6. I have heard the learned Advocate for the applicant and the learned APP for the State. Perused the

record and proceedings.

7. Prosecution case is based on circumstantial evidence. Applicant has been arrested after nine months of the incident. The witnesses have stated that they had seen the applicant and co-accused with the deceased. Their statements have been recorded after nine months and after arrest of the applicant. Applicant is behind bar for more than one year. Yet charge has not been framed. It may take time to conclude the trial.

8. Considering the above facts further detention of the applicant is not required hence, I pass the following order:-

i) Criminal application is allowed.

ii) Applicant- **Om @ Omprakash Namdeoraoji Pathade** be released on bail in Crime No.93 of 2022, registered with Police Station Karanja (Ghadge), District: Wardha for the offences punishable under Sections 302, 201 read with Section 34 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.

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

(SHIVKUMAR DIGE, J.)