



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

CRIMINAL APPLICATION (BA) NO. 923 OF 2023

Ganesh Warzade Alias Madavi S/o Dagadu Alias Damodar Warzade alias Madavi
..VS..

State of Maharashtra through PSO, Police Station Korpana, Dist.Chandrapur

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

Court's or Judge's orders

Mr. R.M. Daga, Advocate for applicant.
Mr. Kaustubh Lule, APP for non-applicant/State.

CORAM : SHIVKUMAR DIGE, J.

DATED : 30th OCTOBER, 2023

Heard.

2. By this application, the applicant is seeking bail in Crime No.120/2021, registered with Police Station Korpana, District Chandrapur, for the offence punishable under Section 302 of the Indian Penal Code.

3. It is prosecution's case that deceased Sangita was wife of applicant, it was Sangita's second marriage. The applicant used to suspect on character of Sangita, as she used to take bath in open space. Therefore it is alleged that on 30.08.2021, at about 04.00 am. applicant assaulted Sangita by means of grinding stone, due to which, Sangita was injured and shifted to hospital, but Doctor declared her death. Initially, accidental death report was registered at Police Station. In investigation,

police came to the conclusion that applicant had killed the Sangita.

4. It is contention of learned Counsel for the applicant that incident was occurred on 30.08.2021 and Sangita died on 07.09.2023. First Information Report (FIR) was registered against the applicant on 10.09.2021. The learned Counsel further submits that the statements of mother and brother of deceased Sangita were recorded by the police on 07.09.2023. In the said statements they have stated that the incident was occurred due to accident i.e. Sangita had fell on ground, due to which, she had suffered injuries and they did not suspect anybody. The applicant has been falsely implicated in this case. There is no recovery at the instance of applicant. The applicant is behind bar for more than two years and yet, charge has not been framed. Hence, the learned Counsel for the applicant requested to allow the application.

5. It is the contention of learned APP that applicant was taking suspicion on character of Sangita, he used to beat her. Applicant had anger in his mind against the Sangita, on that count, he assaulted the Sangita with grinding stone and in the said assault, Sangita died. There is *prima facie* case against the applicant. Hence, requested to reject the application.

6. I have heard both learned counsel and perused the FIR and charge-sheet.

7. Admittedly, accidental death report was filed in respect of death of Sangita. The statements of mother and brother of Sangita were recorded by the police on 07.09.2021. In the said statements they have stated that Sangita was injured due to fell on ground and they did not suspect anyone about her injuries. Police have registered FIR against the applicant on 10.09.2021. There is no recovery at the instance of applicant except clothes worn by him. The mother and brother of deceased who were residing with Sangita have stated that the injuries caused to Sangita were due to fell on ground. The applicant is behind bar for more than two years. It may take time to conclude the trial. In view of above, further detention of the applicant is not required. Hence, I pass following order :

- (i) The application is allowed.
- (ii) Applicant – Ganesh Warzade alias Madavi S/o Dagadu alias Damodar Warzade alias Madavi be released on bail in Crime No.120/2021, registered with Police Station Korpana, District Chandrapur, for the offence punishable under Section 302 of the Indian Penal Code, on his furnishing PR. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with solvent surety in the like amount before the trial Court.

(iii) The applicant shall not tamper with the prosecution evidence and also shall not pressurize or threaten the prosecution witnesses, in any manner.

(iv) The applicant shall co-operate the learned trial Judge in the conduct of the trial.

8. The Criminal Application stands disposed of accordingly.

9. In view of disposal of the bail application, pending Criminal Application Nos. 1576/2023 and 1578/2023 are disposed of.

(SHIVKUMAR DIGE, J.)