



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 BAIL APPLICATION NO. 1538 OF 2024

RAMESH SAMPAT MORE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Agrawal Rani Kailas
APP for Respondent/s-State : Mr. S. P. Sonpawale.

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CORAM : S. G. MEHARE, J.

DATE : 27.09.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.225 of 2023, registered with Pahur Police Station, District Jalgaon, for the offences punishable under Sections 302, 201 of the IPC.
3. The prosecution has a case that on 13.05.2023, the applicant and deceased were seen together. Thereafter, the deceased disappeared. The dead body of the deceased was rapped in the clothes and tied with the cotton wire. The killer threw the body at some unknown place. The applicant was arrested. He showed the spot of the incident where he killed the deceased. The blood stained earth, the pouch of tobacco,

small pieces of stones and the piece of cloth and one handkerchief were recovered. Then, the applicant under Section 27 of the Indian Evidence Act expressed willingness to show the spot of the incident where the dead body was thrown. He took the police to a forest and showed the place. However, neither the dead body or any other incriminating evidence was found on the spot. The police also searched the nearby places, but, they could not recover anything.

4. Learned counsel for the applicant submits that the applicant was not lastly seen in the company of the deceased. The learned counsel for the applicant would refer the statement of one Samadhan Shantaram Patil and Manoj Bajrang Gosavi, who claimed to be the grocery shop keepers. He submits that the statement of these two witnesses are copy paste, hence, it raises the serious doubt. He would submit that these two persons have stated that they are running the shop under the same name 'Samarth Kirana'. Therefore, they could not be believed. However, Manoj Bajrang Gosavi states that the deceased alone came to his shop at 7.00 p.m. on 13.05.2023. Therefore, the theory of last seen together was broken there. Recovery of the articles from the place does not establish the nexus of the applicant with the crime. The

confessional statement of cousin of the applicant is inadmissible. Therefore, he may be granted bail.

5. Learned APP has strongly opposed the application. He would submit that Samadhan Shantaram Patil and Manoj Bajrang Gosavi runs kirana shop in partnership. This seems to be the first time argument before the Court when the learned counsel for the applicant shown the discrepancy. He would further argue that recovery of the incriminating articles at his instance is a strong circumstance against the applicant. The dead body is yet not discovered. Therefore, the applicant does not deserve bail.

6. The discrepancies shown by the applicant as mentioned above as regards the last seen theory and not discovery of the dead body would prevail over the recovery of the incriminating material at the instance of the applicant. For this reason, he deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **RAMESH SAMPAT MORE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent

surety of like amount, on the following conditions :

- (a) The applicant should not tamper with the prosecution witnesses.
- (b) He should attend the trial on each and every effective date.

(S. G. MEHARE, J.)

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vmk/-