

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.3168 OF 2023

Nanaso Hanmant Devadkar

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Tanvi Tapkire, Advocate, for the Applicant.
Ms. S.S. Kaushik, APP, for Respondent- State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 12th March 2024

P. C.

1. Heard Ms. Tanvi Tapkire, learned Counsel for the Applicant and Ms. Kaushik, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973 ("Cr.PC")*. The relevant details are as follows:-

1.	C. R. No.	154 of 2023
2.	Date of registration of F.I.R.	6 th May 2023
3.	Name of Police Station	Atpadi, District-Sangli.
4.	Section/s invoked	302, 364, 366, 201, 404 of <i>I.P.C., 1860</i> ;
5.	Date of incident	4th May 2023
6.	Date of arrest	6th May 2023
7.	Date of filing of Charge-sheet	30th June 2023.

3. The Applicant is the cousin of the informant and the deceased is the wife of the informant. As per the prosecution case, the deceased and the Applicant were involved in relationship outside of marriage. On 4th May 2023, when the incident had taken place, the Applicant and the deceased went to a lodge and the incident took place there. As per the prosecution case, the Applicant has committed murder of the deceased.

4. Ms. Tapkire, learned Counsel for the Applicant submitted that the case is of circumstantial evidence. Except for the evidence that the Applicant and the deceased were last seen together, there is no other evidence. She submitted that in any case, even if the prosecution case is accepted, then also, the deceased voluntarily went with the Applicant in the said lodge and thereafter the incident had occurred. Therefore, she submitted that the incident in question had occurred on the spur of the moment. She submitted that there are no criminal antecedents.

5. On the other hand, Ms. Kaushik learned APP vehemently opposed the Bail Application and submitted that the Applicant has killed the deceased in the said lodge and the mortal remains of the deceased were found there and therefore it is clear that the Applicant has committed the crime. She submitted that although the case is of circumstantial evidence, there are very strong circumstances. She pointed out the statement of Madhukar Mahadev Devadkar on the basis of which F.I.R. was lodged. She also pointed out the statement recorded under Section

164 of *CrPC*. of the witnesses- Vilas Patil, Madhukar Devadkar and other statements. She therefore submitted that the Bail Application be rejected.

6. Perusal of the record shows that the incident in question took place on 4th May, 2023, F.I.R. was lodged on 6th May 2023, the Charge-sheet was filed on 30th June 2023 and till date there is no further progress in the trial. The case is of circumstantial evidence. It is true that the deceased went with the Applicant in the said lodge where the incident took place and the Applicant is last seen together with the deceased, however, *prima facie*, there is substance in the contention of Ms. Tapkire, learned Counsel for the Applicant that the incident in question took place on the spur of the moment.

7. Ms. Tapkire, learned Counsel for the Applicant states that as several witnesses are residing at Taluka Atpadi, District-Sangli, the Applicant will therefore not reside within Taluka-Atpadi, District - Sangli and that the Applicant will reside at Miraj, District - Sangli.

8. The Applicant does not appear to be at risk of flight.

9. As per the learned Counsel for the Applicant, the Applicant does not have any criminal antecedents.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

11. In view thereof, the following order:-

ORDER

(a) The Applicant -Nanaso Hanmanth Devadkar be released on bail in connection with C. R. No.154 of 2023 registered with the Atpadi Police Station, Taluka - Atpadi, District - Sangli on his furnishing P. R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

(b) The Applicant shall not enter the Atpadi-Taluka, District-Sangli after being released on bail, except for reporting to the Investigating Officer, if called.

(c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(d) The Applicant shall report to the Miraj Police Station, Taluka - Miraj, District - Sangli once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Miraj Police Station, Taluka - Miraj, District - Sangli to communicate details thereof to the Investigating Officer.

(e) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with

the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any prosecution witnesses in any manner.

(g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, and uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]