



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

**CRIMINAL APPLICATION (BA) NO.127 OF 2024**

(Sherbhadur Singh @ Rajushing s/o Ramlakhanshing Vs. State of Maharashtra)

Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

Mr. R.H. Rawlani, Advocate for the applicant.  
Mr. A.R. Chutke, APP for the State.

**CORAM:- URMILA JOSHI-PHALKE, J.**  
**DATED :- MARCH 05, 2024.**

By this application, the applicant is seeking bail in connection with Crime No.189/2023 registered with Police Station Allipur, District Wardha for the offences punishable under Sections 302, 201, 364-B and 384 read with Section 34 of the Indian Penal Code.

2. The applicant is arrested on 21/04/2023. Since then he is behind bar.

3. The accusation against the present applicant is on the basis of report lodged by brother of the deceased on an allegation that on 19/09/2023 deceased Sushant had been to his shop in the morning and for lunch he left the shop. At about 5:00p.m. the deceased left the shop by informing his colleagues that he is returning to the home. However, he did not returned to the home and subsequently his dead body was found.

4. During investigation it reveals to the Investigating officer that there was a money transaction

between the present applicant and the deceased out of which the death of the deceased is caused by the present applicant along with the other co-accused. The death of the deceased is due to the strangulation. Some injuries are also found on the person of the deceased. On the basis of same, the accused came to be arrested.

5. Learned Counsel for the applicant submitted that entire case is rested on the circumstantial evidence. Except the circumstances that recovery of the rope and finding of the ATM card of the deceased with the present applicant there is no other material to connect him with the alleged offence. The ATM cards handed over to the applicant by the deceased himself. As far as the recovery of the rope is concerned there were no blood stains found on the said rope. Now, the investigation is completed and charge-sheet is filed. Considering the material against the present applicant, no *prima facie* case is made out and hence he be released on bail.

6. Learned Additional Public Prosecutor strongly opposed the application on the ground that the death of the deceased is caused due to the strangulation. The rope is seized at the instance of the present applicant. The clothes of the accused are also seized on the basis of the memorandum statement of the present applicant. During investigation, the statements of various witnesses are recorded. The ATM card of the deceased is also found in possession of the present applicant. Considering the entire

case is rested on circumstantial evidence and the circumstance that ATM cards of the deceased are found along with the present applicant is sufficient to show his connection with the alleged offence. The death of the deceased is caused in a very heinous manner. In view of that, the application deserves to be rejected.

7. I have heard learned Counsel for the parties. After going through the investigation papers it reveals that the death of the deceased is due to the strangulation. The postpartum report shows that there are several injuries found on the person of the deceased which are in the nature of the incised wound and the ligature mark. The ATM cards of the deceased are found along with the present applicant for which no explanation is put forth. Admittedly, the present applicant is not of the same village wherein the deceased was residing. Some cloths are also seized at the instance of the present applicant which were on the person of the present applicant at the time of the incident. The Investigating Officer has also recorded the statement of wife of the present applicant which shows that on 20/04/2023 i.e. on the day of incident she received a phone call of the present applicant and present applicant asked her to leave the place where she is residing and to proceed to the another place and also disclosed that he had quarrel with some local boy. Thus, from the statement of the wife of the present applicant and the circumstances that the ATM cards of the deceased are found along with the present applicant, the rope is

also seized at the instance of the present applicant. At this stage, *prima facie* material is there to connect the present applicant with the alleged offence. Considering the injuries sustained by the deceased which shows that the death of the deceased is caused in very heinous manner. In view of that, the application deserves to be rejected.

8. Hence, the application is rejected accordingly.

**(URMILA JOSHI-PHALKE, J.)**

*\*Divya*