



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

CRIMINAL APPLICATION (BA) NO.192 OF 2024
(Ajay alias Daud s/o Bharat Arjunker Vs. The 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. A.G. Hunge, Advocate for the applicant.
Mr. N. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 1, 2024.

The applicant came to be arrested on 09/06/2022 in connection with Crime No.72/2022 registered at police station Padoli, District Chandrapur for the offence punishable under Sections 302, 201, 120(B) read with Section 34 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of report lodged by uncle of the deceased by name Mahadeo Shivram Ghive. It is alleged by him that on 07/06/2022 at about 8.00 p.m. when he was present along with the deceased and other family members in the house deceased Pravin received a phone call and he left the house by informing them that he is called by the present applicant and the co-accused Ajit Madavi near the school on account of discussion on the interest of the amount. He immediately left the house on his motorcycle and not returned back. After two days the dead body of the deceased was found in a Well near the Zilla Parishad school. Some blood stains are also found on the

constructed site of the Well. In the said FIR the suspicion was raised against the present applicant and other co-accused.

3. Learned Counsel for the applicant submitted that except the CDR reports showing the applicant has made a phone call to the deceased there is no material to connect the present applicant with the alleged offence. Now, investigation is completed and charge-sheet is filed. The entire case is rested on the circumstantial evidence. The dead body of the deceased was found after two days of the deceased leaving the house. The possibility of intervention by any other third person cannot be ruled out. In view of that, considering the entire prosecution case is rested on only one circumstance and there is no other material to connect the present applicant with the alleged offence, the applicant shall be released on bail. The ground of parity is also available to the applicant as other co-accused are already released on bail.

4. Learned APP strongly opposed the application on the ground that last phone call was received by the deceased of the present applicant thereafter the deceased was not seen alive by anybody and the dead body of the deceased was found. Considering the circumstance which is strong in nature, the application deserves to be rejected.

5. I have heard learned counsel for both the parties. Perused the investigation papers. During investigation, the Investigating Officer has recorded the

relevant statements of the witnesses and also seized the cloths of the present applicant on which the Investigating Officer has witnessed stains like blood stains. Admittedly, the investigation papers shows that the last call received by the deceased was of the present applicant. The dead body of the deceased was found after two days of the incident. Thus, there is a long gap between the meeting of the present applicant with the deceased and the finding of the dead body. The intervention of the third person cannot be ruled out. At this stage, the entire case is revolves around the circumstances i.e. the phone call received by the deceased of the present applicant and blood stains cloths seized at the instance of the present applicant. Now, investigation is completed and charge-sheet is filed. The co-accused are already released on bail and the ground of parity is also available to the present applicant and considering the investigation is completed and charge-sheet is filed, the nature of the evidence which is collected during the investigation, the applicant has made out a case for grant of bail. In view of that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :-

(i) The application is allowed.

(ii) The applicant - Ajay alias Daud s/o Bharat Arjunker in connection with Crime No.72/2022 registered at police station Padoli, District Chandrapur for the offence

punishable under Sections 302, 201, 120(B) read with Section 34 of the Indian Penal Code, be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant shall attend the concerned Police Station once in a month i.e. on first day of every month and the Investigating Officer shall record his presence.

(iv) The applicant shall not leave the jurisdiction of Chandrapur District without prior permission of the Court.

(v) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*