



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

CRIMINAL APPLICATION (BA) NO.166 OF 2024

(Sandip alias Sanjay s/o Tamdeo Pimple (In Jail) Vs. The State of Maharashtra thr.
PSO PS Seloo, Dist. Wardha)

*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. N. S. Autkar, A.P.P. for Non-Applciant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 4th MARCH, 2024.

The applicant came to be arrested on 20.08.2022 in connection with Crime No.571/2022 registered with Police Station Seloo, District Wardha for the offence punishable under section 302 read with section 34 of the Indian Penal Code.

2. The accusation is against the present applicant on the basis of report lodged by the wife of the deceased alleging that on 19.08.2022 deceased Moreshwar Pimple was admitted at Sewagram Hospital for treatment and thereafter the Medical Officer has declared him dead. During investigation it reveals that one liquor bottle of having brand name Officer Choice Blue Company of 90 ML was seized from the spot of occurrence. The statement of the wife of the deceased was recorded and it reveals that there was a dispute between the present applicant and the

deceased on account of agricultural land and therefore, present applicant has administered in the liquor bottle by mixing the poison, the deceased consumed the same and subsequently died. On the basis of the said report police have registered the crime against the present applicant.

3. The learned counsel for the applicant submitted that entire case is registered on circumstantial evidence except the statement of the wife of the deceased that there was previous dispute between the present applicant and the deceased no other material is collected during the investigation. He submitted that the statement of the witnesses also nowhere shows that the present applicant was present either on the spot of incident or anybody has seen him along with the deceased. Merely on the suspicion, present applicant is arrested and since the date of arrest he is behind the bar. Now investigation is completed and charge-sheet is filed, his further incarceration is not required. In view of that the applicant be released on bail.

4. Learned A.P.P. strongly opposed the application and submitted that there was previous dispute between the present applicant and the deceased on account of land. He submitted that the applicant has obtained the poison from one Vijaysing Chitodiya who is also co-accused. From the CCTV footage also it reveals that the present applicant has purchased the injection which was mixed with the liquor and the deceased while consuming the said liquor succumbed to the death. He submitted that considering the

prima facie material the application deserves to be rejected.

5. Having heard the learned counsel for the applicant and the learned A.P.P. for the State, perused the investigation papers admittedly the entire case is registered on circumstantial evidence as far as the previous dispute is concerned only the statement of the wife of the deceased shows that there was a previous dispute. During investigation the memorandum statement of the present applicant is recorded and at his instance one liquor bottle was seized. CCTV footage is also collected during the investigation and it reveals the Investigating Agency that present applicant has purchased one injection from one medical shop. The entire seized material was forward to C.A. C.A. report is before the Court. Though viscera is forwarded to C.A. the input of the viscera is yet to be received. However, the empty plastic bottles and one colourless liquid which was forwarded, wherein no poison is detected. Considering the material collected during the investigation and the long incarceration of the applicant shows that there is insufficient material to attract the offence against the present applicant. Considering the same further incarceration of the present applicant is not required. Moreover, the entire case is registered on the circumstantial evidence. In view of that the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

[i] The application is allowed.

- [ii] The applicant – Sandip alias Sanjay Pimple shall be released on bail in connection with Crime No.571/2022 registered with Police Station Seloo, District Wardha for the offence punishable under section 302 read with section 34 of the Indian Penal Code on executing P.R. bond of Rs.25,000/- with one solvent surety in the like amount.
 - [iii] The applicant shall not enter into the vicinity of Jungarh, Taluka Seloo, District Wardha till culmination of the trial.
 - [iv] The applicant shall not leave the jurisdiction of Nagpur District and Wardha District without prior permission of the Court.
 - [v] The applicant shall not induce, threat or promise to any witnesses who are acquainted with the facts of the case.
6. The application is disposed of.

JUDGE

NSN