



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

CRIMINAL APPLICATION (BA) NO.1111 OF 2024

Pravin s/o Parmit Pawar
Vs.
State of Maharashtra, Through Police Station Officer, Talegaon,
District Wardha

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. M. Jaltare, Counsel for the applicant.
Mr. K. R. Lule, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/12/2024

1. The applicant came to be arrested on 14/01/2023, in connection with Crime No.663/2022 registered with Police Station, Talegaon, District Wardha for the offence punishable under Sections 302, 201 and 120(B) read with Section 34 of the Indian Penal Code, 1860.

2. On 10/12/2022, the informant Bhimrao Rameshrao Shingre has lodged the FIR that when he had been to the Satyagrahi Ghat for collecting the firewood, at the relevant time, he saw the dead body of a woman aged about 20 to 40 years and he immediately informed the police. On the basis of which, the crime was registered against the unknown person. During the investigation, it was revealed that the dead body was of one Jyotsana wife of the

co-accused Manish Bhosle. It further revealed that on 27/11/2022, the deceased had gone to one marriage of Dhiraj Pawar at Vadali Camp Amravati. The present applicant was also present in the said marriage, and after some time, the deceased was seen in the company of the present applicant, and thereafter, she did not return home, and after 4 to 5 days her dead body was found. The identity of the deceased was revealed. The applicant, who has taken the deceased returned home after four days, but the deceased was not found. It was alleged that the co-accused, who is the husband of the deceased were not residing together. There were frequent quarrels between them, and the relationship was restrained therefore, with the help of the present applicant, the co-accused has committed the murder of the deceased. On the basis of the said report, police have registered the crime.

3. Heard learned counsel for the applicant who submitted that the entire case is based on circumstantial evidence. Except the material that was last seen, there is no other material to connect the present applicant with the alleged offence. He submitted that, as far as the investigation papers are concerned, which shows that the deceased went along with the present applicant on 27.11.2022 thereafter, after four days present applicant returned to the village however, the deceased has not returned to the village and subsequently her dead

body was found. He invited my attention towards the medical opinion which shows that death occurred more than four days and less than eight to ten days. He submitted that this opinion is itself sufficient to show that after the present applicant returned to his village the incident of committing the murder of the deceased has taken place. Thus, except the last seen which is very weak type of evidence, there is no other material to connect the present applicant with the alleged offence. In view of that, he be released on bail.

4. The learned APP strongly opposed the said application and submitted that during the investigation, it revealed that the present applicant who is a relative of other co-accused, took the victim along with him and handed over her custody and thereafter, the co-accused who is her husband has eliminated her. On the basis of the same, the investigation was carried out and the involvement of the present applicant is revealed. He submitted that considering the nature of the evidence, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, as far as the involvement of the present applicant is concerned, except the last seen there is no other material collected by the investigating agency to show the involvement of the present applicant in the alleged offence. As far as

the statements in respect of the last seen is concerned, which shows that on 27.11.2022 the deceased went along with the present applicant, however present applicant returned after four days. As per the medical report, the death of the deceased is caused within four days and less than eight days. Thus, it is apparent that the present applicant returned to the village after the incident of eliminating the deceased has taken place. As far as the CDR reports are concerned, which are also not helpful to the prosecution to establish that the deceased was along with the present applicant till the death of deceased was caused. Considering the only circumstances available against the present applicant to connect him is the last seen which is very weak type of evidence. Now investigation is already completed and charge-sheet is already filed. Considering the nature of the material collected, the applicant has made out a case for grant of bail. In view of that, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant – **Pravin s/o Parmit Pawar** shall be released on bail, in connection with Crime No.663/2022 registered with Police Station Telegaon, District Wardha for the offence punishable under Sections 302, 201 and 120(B) read with Section 34 of the Indian Penal Code, 1860, on executing P.R. Bond of Rs.50,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into the vicinity of village Talegaon, District Wardha, till the culmination of the trial.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case either physically or through any electronic media.

(v) The applicant shall attend the concerned Police Station twice in a month on 1st and 15th of every month between 10.00 a.m. to 01.00 p.m. and the Police Officer shall record his presence.

(vi) The applicant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.

6. The criminal application is disposed of.

(URMILA JOSHI-PHALKE, J.)