



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

CRIMINAL APPLICATION (BA) NO. 1108/2023

Satish Gulabrao Khangar 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. PVNavlani, counsel for the applicant.

Mr. N.R.Rode, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 24/01/2024.

1. The present application is filed by the applicant for grant of bail, in connection with Crime No.456/2022 registered with Police Station Talegaon, District Amravati, for the offence punishable under Section 302 of the Indian Penal Code, 1860. The applicant came to the arrested on 14/11/2022.

2. The accusation against the present applicant is on the basis of report lodged by Vasant Kisanrao Mandale, who alleged that the wife of the deceased was having illicit relations with somebody else and on that count, they used to be quarreled between the husband and wife. On 08/11/2022, he received a phone call of his nephew, who informed him that his brother Gajanan is found dead at his house, on the basis of said report, crime was registered against the wife of the deceased.

3. During the investigation, the involvement of the present applicant is revealed and therefore, he was

arraigned as an accused. The death of the deceased is deep cut throat injury and with haemorrhagic shock.

4. Learned counsel for the applicant submitted that present applicant is the brother of the co-accused who is the wife of the deceased. As far as, the role of the present applicant is concerned, there is no single circumstances to connect him with the alleged offence. The statements of the witnesses shows that on 08/11/2022 there was a quarrel between the husband and wife. Therefore, the wife came at her parents house and deceased has also followed her, thereafter deceased has left the house and he found dead.

5. During the investigation, the investigating officer has recorded the statements of various witnesses, including the children of the deceased. It nowhere reveals from the statement that present applicant went along with the deceased and the co-accused at there house. The dead body of the deceased was found inside the house. Thus there is no single circumstances to connect the present applicant with the alleged offence. The incriminating circumstances on which the prosecution relied upon is the seizure of the blood stains clothes at the instance of the accused. The said recovery is from the open place and not sufficient to connect present applicant with the alleged offence. Now, the investigation is completed and charge-sheet is filed, further incarceration of the applicant is not required and he be released on bail.

6. Learned APP strongly opposed the present application on the ground that the death of the deceased is caused due to the cut throat injury. The wife of the deceased was having illicit relations with somebody else and there was no cordial relations between the husband and wife. The statement of the mother of the accused No.1 was recorded which shows that along with the deceased, the present applicant also went at their house. Thus, there is a prima facie material to connect with the applicant in the alleged offence.

7. After going through the investigation papers, admittedly the allegations are not made against the present applicant in the FIR. During the investigation, various statements are recorded by investigating officer. The statement of the children of the deceased and co-accused are also recorded, which nowhere shows that present applicant also went along with deceased and the co-accused at their house. Nobody has marked the presence of the present applicant either at the house of the co-accused or near the house of the co-accused. Now, the investigation is completed and charge-sheet is filed, considering the nature of the evidence which is collected during the investigation, further incarceration of the present applicant is not required. In view of that, criminal application deserves to be allowed. Accordingly, I proceed to pass following order:

- a) The criminal application is allowed.

- b) The applicant – Satish Gulabrao Khangar, be released on bail, in connection with Crime No.456/2022 registered with Police Station Talegaon, District Amravati, for the offence punishable under Section 302 of the Indian Penal Code, 1860, on furnishing PR. bond in the sum of Rs.25,000/- with one or two surety in the like amount.
- c) The applicant shall not enter into the vicinity of Chinchola Ashti till culmination of the trial.
- d) The applicant shall not induce, threat or promise to any witness who are acquainted with the fact of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]