



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

CRIMINAL APPLICATION (BA) NO. 915 OF 2024

SUNIL @ ARYAN S/O SEETARAM MAHATO

Vrs.

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

Shri N. S. Giripunje, Advocate for applicant.

Shri K. R. Luley, A. P. P. for Non-applicant.

CORAM: URMILA JOSHI-PHALKE, J.

DATE : 05/12/2024.

1. The applicant came to be arrested on 10/01/2024 in connection with Crime No.22/2024 registered under Sections 302, 364, 201 r/w Section 34 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of report lodged by Shekhar @ Hansraj Ukey alleging that whose wife Sheetal Ukey was working in Prince Surface Shop at Krishinagar, Nagpur on 28/02/2023 at about 10.30 a.m. She attended the work and did not return back at home. Therefore, he lodged a missing report No.188/2023 on 29/12/2023. It was further alleged that the co-accused Sunil Satrohan Usharbarse was also working in the said Prince Surface Shop and he was frequently visiting her house and was communicating with her. The deceased has obtained amount of Rs.65,000/- from said co-accused Sunil

Satrohan Usharbarse and could not repay the same and therefore, the informant has raised suspicion against him. During investigation, the Investigating Officer has collected the information and the involvement of co-accused Rohit @ Sunil Shatrughn Usharbarse was revealed. It further reveals that present applicant is the relative of the co-accused and staying along with him. It further revealed during investigation that the deceased had been to the house of the co-accused and on that count, there was altercation of the words between them and the co-accused and present applicant committed her murder by strangulating the neck and cutting her neck with knife and thrown her dead body in a river at Koradi. On the basis of the said report, police have registered a crime against the present applicant.

3. Heard learned counsel for the applicant who submitted that entire case is rested on the circumstantial evidence. There is no single circumstance against the present applicant to connect him with alleged offence. Nothing is recovered from him. Besides the fact that, the applicant was residing along with the co-accused. Absolutely, there is no material collected by the investigating agency to show the involvement of the present applicant in the alleged incident. Now, investigation is already completed and charge sheet is filed. The further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application on the ground that though the entire case is based on circumstantial evidence that the circumstances like present applicant was residing along with the co-accused, there is relationship between the co-accused and the present applicant. The alleged incident took place in the room where they were residing, the blood stains are found in the said room, blood stained clothes are also recovered at the instance of present applicant. The CCTV Footage shows that the applicant was seen carrying the gunny bag in which the body parts of the victim are found. The CCTV footage and the memorandum statement of the co-accused that the body parts are recovered at his instance sufficiently shows his involvement in the alleged incident.

5. Considering the nature of the offence and the manner in which the deceased was eliminated by the present applicant and the co-accused, the offence committed by all the accused is brutal in nature. In view of that, application deserves to be rejected.

6. After hearing both the sides and on perusal of the investigation papers, it reveals that initially, missing report was lodged by the husband of the deceased and as the deceased got missing as she did not return home on the day i.e. on 28/12/2023. As she was not found, therefore, the informant has raised suspicion against the co-accused Sunil Satrohan Usharbarse. During investigation, said Sunil Satrohan Usharbarse is arrested

by the investigating agency and the spot panchanama was drawn. The investigating officer has visited the spot of incident i.e. the room of the present applicant and other co-accused. In the said room, blood stains are found at various places. The Forensic Team which was called in the same room and collected the said blood stains from sound box. The blood stained cuttings from the sound box, prepared blood stains from the handle of the door, blood stains collected from cup board, floor side walls scraping and hair collected. Thereafter, memorandum statement of the co-accused Rohit @ Sunil Shatrughn Usharbarse was also recorded on the basis of which the body parts of the victim as well as weapons of the offence are recovered. The clothes of the victim were also recovered at the instance of the co-accused. During investigation, the investigating agency has also collected the CCTV footage wherein it was seen that present applicant along with other co-accused seen carrying one gunny bag. In the said gunny bag, the said body parts found. At the instance of the present applicant, his blood stained clothes are also collected by the investigating agency. Thus, though the case is rested on the circumstantial evidence, there are various circumstances which show the involvement of the present applicant in the alleged incident. Admittedly, Post-Mortem Report is not there as the body was found cut into pieces and the said pieces are collected by the investigating agency. The Chemical Analysis Report and the Forensic Report as to various samples collected by the

investigating agency are yet to be collected though investigation is completed and charge sheet is filed. Considering the nature of the offence and the manner in which the deceased was eliminated and the involvement of present applicant reveals from the investigation papers, the application deserves to be rejected. Accordingly, I proceed to pass the following order:

ORDER

7. Application is rejected.

[URMILA JOSHI-PHALKE, J.]

Choulwar