



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

CRIMINAL APPLICATION (BA) NO.128 OF 2025

(Suraj s/o Ramkrushna Kailuke Vs. The State of Maharashtra thr. PSO Police Station
Pulgaon, 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. M. S. Dube, Advocate for Applicant.
Mr. A. M. Ghogare, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 22nd APRIL, 2025.

1. Heard.
2. The applicant came to be arrested on 13.06.2024 in connection with Crime No.506/2024 registered with Police Station Pulgaon, District Wardha for the offences punishable under Sections 302, 201, 120-B read with Section 34 of the Indian Penal Code.
3. Initially marg report was registered as one dead body of unknown person was found within the jurisdiction of the Deoli Police Station. Thereafter the father of the deceased and his father-in-law were also called to identify the said dead body. The father of the deceased has identified the dead body as of his son Sachin. On inquiry with the father of the deceased it reveals that the wife of the deceased was having illicit relations with the present applicant and the deceased was impediment in the said relationship therefore, by hatching conspiracy with the other

co-accused they have committed the murder of the deceased. On the basis of the investigation carried out by the investigating officer. The applicant is arrested and after completion of the investigation charge-sheet is filed.

4. Heard learned counsel for the applicant who submitted that except the bare allegations there is absolutely no material to connect the present applicant with the alleged offence to show that there was illicit relationship between the wife of the deceased and the present applicant. Not a single witness has stated about the said relationship even the father of the deceased has not stated that there was illicit relationship of wife of the deceased with the present applicant. Entire case is based on the circumstance i.e. the statement of the daughter of the deceased and the CDR report and tower location which is not sufficient to connect the present applicant with the alleged offence. Now investigation is already completed, charge-sheet is already filed, further incarceration of the present applicant is not required. In view of that, he be released on bail.

5. Learned APP strongly opposed from the same on the ground that considering the gravity of the offence for which punishment of imprisonment for life is provided. The statement of the daughter of the deceased shows the connection between the present applicant and the wife of the deceased. CDR report also shows the location of the deceased and the present applicant and the other co-accused at Vitala village. Thus, the investigation papers and establishes the involvement of the present applicant in the

alleged offence. In view of that, the prayer for rejection of the bail.

6. On hearing both the sides and on perusal of the investigation papers, entire case is based on the circumstantial evidence. The statements of the witnesses are also recorded. The entire case of the prosecution is based on the CDR report. Though mobile phone of the present applicant and the other co-accused was shown to be seized but no seizure *panchnama* was drawn by the investigating agency only requisition is there which is addressed to the forensic lab shows that the mobile phone of the applicant and the other co-accused was taken into possession and forwarded to the forensic lab. Though tower location of the deceased and present applicant allegedly show at the village Vitala on 16.04.2024 and at about 11:44 a.m. the tower location of the present applicant is shown at village Vijay Gopal except that CDR report and the tower location report there is no other circumstance on record to show the connection of the present applicant with the alleged offence. The statement of the child witness is also not sufficient to show the involvement of the present applicant in the alleged crime. Thus, considering the nature of the investigation, at this stage, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass following order:

ORDER

[a] The criminal application is allowed.

- [b] The applicant – Suraj Ramkrushna Kailuke, shall be released on bail in connection with Crime No.506/2024 registered with Police Station Pulgaon, District Wardha for the offences punishable under Sections 302, 201, 120-B read with Section 34 of the Indian Penal Code, on executing P.R. bond of Rs.25,000/- with one solvent surety of the like amount.
- [c] The applicant shall not enter into the vicinity of village Nachangaon, Taluka Deoli, District Wardha till culmination of the trial.
- [d] The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
- [e] The applicant shall not induce, threat or promise any witness who are acquainted with the facts of the case.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)