

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1897 OF 2014

Balu Fula Deore	...Applicant
vs.	
State of Maharashtra	...Respondent

Mr. Karan Bosale i/b. Ms. Neha Bhosale,
Advocate for the Applicant.
Mrs. A.A. Mane, APP for the State.

CORAM : P.D. KODE, J.

DATE : DECEMBER 22, 2014

P.C.

. By this application charge-sheeted accused No. 2 in the charge-sheet submitted by Nandgaon police station for commission of the offences punishable under Sections 302, 201, 120(B) read with 34 of Indian Penal Code has prayed for bail. Applicant has been charge-sheeted accordingly by the said police station as a result of investigation of C.R. No. 15 of 2014 registered with the said police station on 26-01-2014 upon F.I.R. lodged by one Bhima Tambe after he noticed dead body lying in his farm.

2. The perusal of the charge-sheet reveals that the applicant is charge-sheeted accordingly on the accusation of himself having entered in a criminal conspiracy along with accused No.1 for committing murder of one Ravsaheb Kadam i.e. husband of accused No.1 and for achieving the object of said conspiracy both of them having murdered said Ravsaheb by strangulating him and throwing his corpse in the field of first informant.

3. The learned counsel for the applicant pressed the prayer for bail by submitting that entire charge-sheet does not contain any direct evidence except a confession of accused No.1 recorded by J.M.F.C., Nandgaon, Nashik. It is submitted that baring some material regarding illicit relationship in between applicant and accused No.1 there exists no other material linking the applicant with unnatural/homicidal death of Ravsaheb Kadam ensued on 25-01-2014.

4. The learned counsel thereafter meticulously taking through the confession of accused No.1 submitted that said confession in terms reveals that deceased was murdered by the charge-sheeted accused No.1. It is submitted that the charge-sheet also does not contain any other material belying the relevant recitals in said confession, for not accepting the matters stated therein that accused No.1 was solely responsible for committing the murder of her husband. It is submitted that it is settled law that the material in confession is to be accepted as a whole and dissection of it is not permissible. The learned counsel thus contended that there being paucity of material connecting the applicant with the homicidal death of Ravsaheb, his prayer for bail be favorably considered.

5. Learned APP objected the prayer in application by submitting that the charge-sheet

contains material of the deceased being last seen alive in the company of applicant and applicant having a probable motive for commission of the said crime i.e. due to his illicit relation with charge-sheeted accused No.1. It is submitted that offence is of heinous nature and as such prayer for bail may not be accepted as there is every danger of bail being misused for tampering the prosecution material/evidence.

6. After giving anxious consideration to the submissions canvassed by both the sides and particularly the perusal of the confession of charge-sheeted accused No.1, there appears substance in submission canvassed by the learned counsel for the applicant. Apart from the material squarely revealing the charge-sheeted accused No.1 having admitted the guilt for murdering her husband, makes it difficult to accept that the applicant was also responsible for it on the basis

of material pointed out by learned APP. In view of the said direct material, it is difficult to negative the prayer for bail canvassed on behalf of the applicant.

7. Resultantly, the application is allowed. The applicant is directed to be released on bail upon furnishing P.R. Bond in sum of Rs. 1,00,000/- (One lac) with one or more sureties to make up like amount and subject to the conditions of the applicant,

(i) staying at the address mentioned in the application.

(ii) attending the investigating officer on every first Monday of the month until further order in between 11.00 am to 1.00 pm.

(iii) not indulging in any activity of tampering the prosecution evidence and/or not indulging in any activity of coercing, threatening/pressuring prosecution witnesses.

(iv) not misusing the protection granted by this order for fleeing away or for any other oblique purpose.

Application stands disposed of.

(P.D. KODE, J.)