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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.351 OF 2015

Prakash Anant Bhoir	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Biju Anthony Aloor, for the Applicant.
Ms.S.S.Kaushik, APP for the Respondent – State.
Sr.Pl. - S.S.Kadam.

CORAM : REVATI MOHITE DERE, J.

DATED : 27th APRIL, 2015.

PC.

1. Heard the learned counsel for the Applicant and the learned APP for the Respondent-State.
2. By this application, the Applicant seeks his enlargement on bail, in connection with C.R.No.I-163 of 2014 registered with the Kapurbawadi Police Station, Thane, for the alleged offences punishable under Sections 302 and 201 of the Indian Penal Code.
3. The incident in question is alleged to have taken place on 27th April, 2014. According to the prosecution, the applicant and the deceased

were in a relationship and that the applicant owed money to the deceased. It is alleged that the deceased was demanding the said amount, as she required the same for the marriage of her nephew and hence the applicant strangled the deceased. The entire prosecution case rests on circumstantial evidence.

4. Learned counsel for the applicant submitted that the complaint was lodged by the brother-in-law of the deceased, as against unknown persons on 28th April, 2014, and that only in the supplementary statement, which was recorded on the same day, that the name of the applicant was disclosed. In the said supplementary statement it is alleged by the complainant, that he had seen the applicant coming out of the house of the deceased on 27th April, 2014, at 5.00 a.m. in the morning. He submits that there is no material as against the present applicant to connect him with the alleged offences.

5. Learned APP vehemently opposed the bail application. She submitted that apart from the supplementary statement of the complainant, wherein he had stated that he had seen the applicant coming out of the house of the deceased on 27th April, 2014 at 5.00 a.m., there is

a recovery of a mobile phone belonging to the applicant and that the CDR record shows that the last call was made by the applicant to the deceased at 5.00 a.m., on 27th April, 2014. She submitted that in addition to the aforesaid material, there is recovery of socks and nada of the Bermuda shorts, at the instance of the applicant.

6. Perused the charge-sheet. The prosecution case rests entirely on circumstantial evidence. It appears that, initially the complaint was lodged as against unknown persons and that subsequently on the same day, the name of the applicant was disclosed by the complainant. The prosecution as of today is not able to give the specific time of the death. Learned APP states that a letter dated 28th April, 2014 has been forwarded to the concerned Doctor of J.J.Hospital, for finding out the specific time of death of the deceased and that the report is awaited. The material that is on record, as of today, by itself is not sufficient to deny bail to the applicant. Investigation is also complete and charge-sheet is filed. Considering the material on record, the Applicant is enlarged on bail on the following terms and conditions ;

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R.

Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;

- ii) The Applicant shall attend the Kapurbawadi Police Station, Thane, on 1st Saturday of every month between 10.00 a.m. to 12.00 noon., till the conclusion of the trial ;
- iii) The Applicant shall not leave the jurisdiction of Thane and Mumbai City, till the conclusion of the trial, without the permission of the trial court ;
- iv) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case ;
- v) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. Needless to observe, that the learned Judge shall decide the case on its own merits uninfluenced by the observations made in this order.

9. Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)