

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 490 OF 2015**

Raghuveer Jayprakash Singh

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. R. K. Poswal i/b Mr. Jagdish Nagar & Associates for the Applicant

Mrs. Aruna S. Pai, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

FRIDAY, 8TH MAY, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R No. 20 of 2013 initially registered with the NRI Sagari Police Station and subsequently transferred to DCB CID Crime Branch, Unit VI, Mumbai and renumbered as C.R No. 27 of 2013.

3. The incident in question has taken place on 13th December, 2012. It is alleged by the prosecution that the deceased Sandhya Singh

went to Abhyuday Bank at Nerul along with her friend Uma Gour and did not return home thereafter. On 15th December, 2012, the present applicant lodged a missing complaint with the NRI Sagari Police Station, Nerul. On 28th January, 2013, a woman's body (skull and 7 bones and clothes) was found about 200 feet away from the service road, near the Creek, Behind Delhi Public School and about 200 meters from the residence. Pursuant to the same, on 30th January, 2013, C.R came to be registered at the instance of Sub-Inspector Deurukhkar with the NRI Sagari Police Station as against unknown persons, alleging offences punishable under Sections 302, 397 and 201 of the Indian Penal Code. Thereafter, on 14th February, 2013, the DNA report which was received, revealed that the dead body was that of Sandhya Singh i.e. the mother of the applicant.

4. On receipt of the DNA report, the investigation was transferred from the NRI Sagari Police Station to DCB CID Crime Branch for further investigation. The present applicant was arrested in connection with the said C.R on 16th December, 2013 i.e. after almost one year. After completion of investigation, charge-sheet was filed as against the applicant.

5. Learned Counsel for the applicant contended that there is no material to connect the applicant with the alleged crime or to show his complicity in the said case. He submitted that in fact, the complainant had filed a protest petition in the Court of the Judicial Magistrate First Class, Mumbai, and had expressed suspicion as against five persons, including Uma Gour, one API Bahale, Apoorva Singh-a friend of the applicant, Anuja (a friend of Apoorva) and Ajit Singh-applicant's father's friend. It appears that investigation was done in this regard, by the DCB CID and report was filed that there was no material to show the involvement of the aforesaid five persons. The learned Counsel for the applicant submitted that the evidence on record is circumstantial in nature and there is no material to connect the applicant with the alleged offence.

6. Learned A.P.P on the other hand, vehemently opposed the application. She submitted that although the evidence and material against the applicant is circumstantial in nature, the circumstances as against the applicant are as under:

(i) That the applicant had strained relations with his mother i.e. the deceased. She submitted that the said fact is fortified by the statements of Sheetal, Nisha and Shreya, the three maid servants of the deceased. She submitted that all the said three witnesses have stated that the applicant was addicted to drugs and would frequently quarrel with his mother, abuse her, and would demand money from her. She submitted that the statements also reveal that soon after the incident, the applicant had 'behaved weirdly' and had said “that your Aunty is dead”.

(ii) She further submitted that the other circumstance as against the applicant is, that the applicant had mortgaged the Rado watch, allegedly worn by the deceased, at the time when she left her flat. She submitted that the said Rado watch was given by the applicant to his friend Varun Khemani, who, in turn, mortgaged the said watch with a jeweller for Rs. 16,000/-. She submitted that the said watch was seized on 14th February, 2013 by the NRI Sagari Police Station and handed over to the Crime Branch. Learned A.P.P submitted that the Rado watch was mortgaged on 17th January, 2013 and the dead body was found on 28th January, 2013.

(iii) She further submitted that the applicant had given false information to the police, inasmuch, as he had disclosed that the deceased had gone to Abhyuday Bank to deposit jewellery worth Rs. 1.5 crores. Thereafter, he had disclosed that she had withdrawn Rs. 80,000/- from the said bank. She submitted that in fact, the statements of the Security Guard, A.R. Shaikh as well as the Manager of the Abhyuday Bank, show that the deceased had neither entered the said bank on that day, nor had made any transaction. She submitted that the statement of Uma Gour shows that the deceased had asked her to come on 13th December, 2012, as she wanted to go to Abhyuday Bank, pursuant to which, they went to Abhyuday Bank and after dropping the deceased at Abhyuday Bank, she (Uma Gour) went to her residence. She submitted that thereafter, the deceased instead of entering the bank, took an auto rickshaw and went to Bhima Shankar Society, Nerul, where the deceased had a flat, met one Vaishali Mulik and told her that she wanted to transfer the said flat in her daughter's name. According to the learned A.P.P, the deceased thereafter, came to her own residence at NRI complex with one Sachin Kamble, who accompanied her in an auto and dropped her at the NRI complex. She submitted that

according to Sachin Kamble, he had dropped the deceased home at about 12:30 in the afternoon.

(iv) She further submitted that the conduct of the applicant shows that he had no remorse and that he, on 14th December, 2012, on the very next day, after his mother went missing, had thrown a party for his friends and had not disclosed the said fact to his friends.

7. Perused the papers of investigation and the statements relied upon by the learned A.P.P. The prosecution case rests entirely on circumstantial evidence. There is no last seen evidence nor evidence of recovery of any weapon or clothes at the instance of the applicant. The only circumstances that are on record, are that the applicant had strained relations with his mother, as is evident from the statements of the witnesses Sheetal, Nisha and Shreya and that the applicant would quarrel with the deceased and that the applicant had on one occasion, even gaged her. The reason for quarrel and strained relations was that the applicant was addicted to drugs and would demand money for the same. The other circumstance as against the applicant as alleged is, that the applicant had given his

mother's Rado watch, which was allegedly worn by the deceased when she left the house, to his friend Varun for mortgaging the same. The said Rado watch was mortgaged to Vinod Jain for Rs. 16,000/-. It is pertinent to note that all other articles i.e. jewellery worn by the deceased were found on her body. As far as the CDR records are concerned, when questioned, the A.P.P is unable to show the location of the applicant at the spot, at the relevant time. She states that the CDR shows that the applicant was 15 minutes away from the spot. In fact, the prosecution is unable to give the exact time of the assault on the deceased or the manner in which the deceased was murdered or how the body was disposed of. As far as the conduct of the applicant is concerned, prior and post the incident, it is a matter which will be considered during trial, on the basis of the material which will be adduced by the prosecution in this regard along with other circumstantial evidence. The prosecution case rests entirely on the circumstantial evidence, and the circumstances as they stand, are neither clinching nor sufficient, *prima facie*, to show the complicity of the applicant. There is no material brought on record by the prosecution, to show that the deceased was last seen in the company of the applicant. The applicant has been in

custody since 16th December, 2013. Investigation is complete and charge-sheet is filed.

8. The learned A.P.P states that there is a serious apprehension that the applicant may tamper with the witnesses. The same can be taken care of by imposing the stringent conditions on the applicant. Considering the material on record as against the applicant, the applicant is enlarged on bail on the following conditions:

ORDER

(i) The applicant Raghuveer Jayprakash Singh be released on bail in connection with C.R No. 20 of 2013 registered by NRI Sagari Police Station and subsequently transferred to DCB CID, Crime Branch, Unit VI, Mumbai and renumbered as C.R No. 27 of 2013, on executing PR Bond in the sum of Rs. 50,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the DCB CID, Crime Branch, Unit VI, Mumbai, once in a month on the first Saturday of every month between 11:00 a.m. to 12:00 noon till the conclusion of the trial;

- (iii) The applicant shall not intimidate, tamper or attempt to contact any witness concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number, within two weeks of his release and/or change of residence or mobile details, if any, from time to time, to the Court seized of the matter and to the Investigating Officer of the DCB CID, Crime Branch, Unit VI, Mumbai;
- (v) The applicant to cooperate in the conduct of the trial;
- (vi) The applicant shall not leave Mumbai, Thane and Navi Mumbai, without prior permission of the trial Court;
- (vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

9. The aforesaid observations are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10. The Application is allowed in the aforesaid terms and is accordingly disposed of.

11. Learned A.P.P seeks stay of this order. Stay is refused.
12. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.