

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1042 OF 2015

Mahesh @ Ramdas @ Dada
s/o. Machhindra Kutval

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr. Rameshwar N. Gite, Advocate for the applicant.

Ms. Veera Shinde, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE : **JULY 3, 2015**

P.C.:

This Application is moved for bail by the applicant/accused. One Sambhaji Tukaram Kutval has given the complaint to Vadgaon Nimbalkar Police Station, District Pune, pursuant to which an offence is registered under sections 302, 201 r/w. 34 of the Indian Penal Code in C.R. No. 1 of 2015.

2. It is the case of the prosecution that Sambhaji is the father of deceased Santosh. On 31st December, 2014 Santosh had been to weekly bazar at about 11 am and returned back at about 5 p.m., thereafter he had taken foodgrains for grinding for his cattle, but did not return back. On 1st January, 2015 at about 5 p.m. Sambhaji was informed by one of the villagers that Santosh was lying down in a dead condition near his motorcycle at Saswad-Supa road near Mayuresh Forest. The complainant

along with his family members rushed towards the spot and found that his son Santosh was dead. There was ligature mark on his neck. The motorcycle was by his side. After investigation, the police found that the applicant/accused is a culprit and so he was arrested on 10th January, 2015.

3. The learned counsel for the applicant/accused has submitted that except suspicion, there was no evidence against the applicant/accused.

4. Learned APP submitted that it is a case under section 302. There was a motive to commit murder. She submitted that the mother of applicant/accused is a co-accused in this offence. She pointed out the photocopy of the suicide note written by Mangal Kutval/accused no. 2. She relied on the contents of suicide note and argued that the mother of applicant/accused and deceased were having an affair and therefore, she tried to commit suicide after the incident of murder of Santosh and confessed about their illicit relationship. Hence, the applicant/accused is not to be bailed out.

5. Perused the suicide note of co-accused Mangal Kutval. Mangal Kutval tried to commit suicide but it failed. Though it is mentioned that she was having illicit relationship with Santosh, no other evidence is found

against the applicant/accused. Hence, I am inclined to grant bail to the applicant/accused on the following terms and conditions:

ORDER

- (i) The Application is allowed.
 - (ii) The applicant/accused shall be enlarged on bail upon furnishing P.R. Bond in a sum of Rs.30,000/- with one or two sureties in the like amount.
 - (iii) The applicant shall not tamper with the evidence.
 - (iv) The applicant shall not pressurize the witnesses in any manner.
 - (v) The applicant shall make himself available and attend all the Court dates.
 - (vi) The applicant/accused shall not abscond and furnish his address to the police along with address proof.
 - (viii) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.
 - (ix) The applicant shall not leave India without the prior permission of the Court.
6. The Application stands disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)