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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1520 OF 2015

Murlidhar Namdev Mhaskar

.Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Manoj J. Bhatt for applicant.

Ms. M.H. Mhatre, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 15th December 2015.

P.C.

1 The applicant is seeking bail in CR No.299 of 2014 dated 16.11.2014 registered with Kalyan Taluka Police Station, District Thane under Section 302 read with Section 34 of the Indian Penal Code.

2 It is the prosecution case that on 15.11.2014 at about 11.45 p.m. when the deceased Dasharath Bherle along with his friend Madhukar Bherle were proceeding towards his house to village Apti Borhe, Post-Waholi, Taluka Kalyan the accused no.1 Bhau Siswe along with present applicant committed the murder of deceased Dasharath. The motive behind the crime as propounded by the prosecution is that the accused no.1 Bhau

Siswe was having extra marital affair with the sister-in-law of the deceased Dasharath and the deceased Dasharath was objecting for the same. The first information report was lodged on 16.11.2014. The applicant was arrested on 12.12.2014. The present case is based on circumstantial evidence. After completion of investigation the Police have now filed the chargesheet.

3 The learned Counsel for the applicant submitted that the alleged eye-witness Madhukar Bherle in his very first statement before the police dated 16.11.2014 has stated that unknown person have committed the murder of the deceased Dasharath. In his first statement he has also stated that when he was proceeding with the deceased Dasharath towards his house an unknown person caught hold of him by his neck and threatened him and therefore he ran away from the spot. In his supplementary statement dated 12.12.2014 which was recorded after a gap of 26 days, the said alleged eye-witness has attributed a specific role to the applicant that the applicant caught hold the said witness and prevented him from helping the deceased Dasharath at the time of incident.

4 It appears from the record that there is no other evidence as far as the present applicant is concerned in the entire chargesheet. In view of the same, I am inclined to grant bail to the applicant.

5 Hence, the following order:

(i) The applicant shall be released on bail in CR no.299 of 2014 registered with Kalyan Taluka Police Station on his furnishing P.R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) The applicant shall attend the Kalyan Taluka Police Station on every first Monday of the month between 10.00 a.m. to 12.00 noon till the conclusion of the trial.

(iii) As the prosecution has expressed the apprehension that after release from jail, the applicant may tamper with the prosecution witnesses, the applicant is hereby directed not to enter the territorial jurisdiction of Post Waholi, Taluka Kalyan till the conclusion of the trial.

(iv) The applicant shall not tamper with evidence and/or influence the prosecution witnesses.

(v) The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)