

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1833 OF 2015

Naresh Ramkisan Yadav. ...Applicant.
VS.
The State of Maharashtra. ...Respondent.

Mr.K.S.Patil for the Applicant.
Ms.S.D.Shinde, APP. for the State.

CORAM : A.S. GADKARI, J.
16th November, 2015.

P.C. :

The applicant is seeking bail in CR No.I-46/2014 registered with Vangaon Police Station, District Palghar under Section 302 and 201 of the Indian Penal Code.

2) As per the FIR dated 8.11.2014 beheaded body of a woman was found in the sea near the lodge by Shri. Davare, a Villager of Burujpada, Distict Palghar. The head of the said lady was found about half kilometer away from the spot where the dead body was found. It is the prosecution case that the applicant was having illicit relations with the deceased lady namely Sunayana Sarju Prasad and as the said Synayana Prasad was pressurizing the applicant to marry her, the applicant committed her murder and threw her body in the sea. The applicant was arrested on 11.12.2014. The police have filed the

charge sheet in the matter on 7.3.2015.

3) Perusal of the charge sheet demonstrate that the evidence against the present applicant is in the form of extra judicial confession given to three witnesses namely Kisan Yadav, Tulsi Yadav and Smt. Raikhi kushwah on 8.11.2014. The statements of the said witnesses are recorded on 12.12.2014 and 14.12.2014 respectively i.e. after the arrest of applicant on 11.12.2014. It prima facie appears from the record that apart from the extra judicial confession given to the said three witnesses there is no substantive corroborative evidence to support the said extra judicial confession. The earned counsel for the applicant submits that the weapon allegedly used in the crime was found on the scene of offence itself. The clothes of the accused when seized were not having blood stains and the C.A. report is silent about the same.

3) As stated above, prima facie apart from the said three extra judicial confessions given to witnesses which are at Page Nos. 132,133 and 174 of the present application, there is no other substantive evidence on record. The learned APP. on instructions of the police officer present in the court fairly admittedly that there are no other antecedents against the present applicant. In view of the above, I am inclined to release

the applicant on bail during trial. Hence, the following order.

- a) The applicant shall be released on bail in CR No.I-46/2014 registered with Vangaon Police Station, District Palghar on his furnishing P.R. Bond of Rs.50,000/- with one or two local solvent sureties in the like amount.
- b) After release on bail the applicant shall attend the concerned police station on every first Monday of the month between 11.00 a.m. to 12.00 p.m. till the conclusion of trial.
- c) The applicant shall not leave and change the address as has been mentioned in the present application without prior permission of the Trial Court.
- d) The applicant shall not tamper the evidence and/or influence the prosecution witnesses.
- e) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)