

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Aditya Vinay Jadhav	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

CORAM : REVATI MOHITE DERE, J.
DATED : 31st MARCH, 2015.

1. Heard the learned counsel for the Applicant and the learned APP for the State.

2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.46 of 2014 registered with the Aarey Police Station, Mumbai for the alleged offences punishable under Section 302 r/w 34 of the Indian Penal Code.

3. The incident in question has taken place on 22nd April, 2014.

According to the prosecution, the police whilst on patrolling duty, found a

body lying at the Aarey Colony, below a mango tree behind a picnic spot. Accordingly, the police officer from the Aarey Police Station, Mumbai rushed to the spot and found a dead body of a male aged 16 to 20 years of age. It appears that the deceased had suffered injuries on his chest, stomach, neck and left wrist by a sharp edged weapon. Accordingly, a complaint was lodged as against the unknown persons. During investigation, the present applicant along with two other juvenile co-accused came to be arrested in the said case. As far as the two juvenile co-accused are concerned, they were produced before the Juvenile Court.

4. Learned Counsel for the Applicant contended that there was no motive for the present applicant to commit the alleged offence, and that the only material, as against the present applicant is recovery of a button knife. She submitted that the panchanama does not show that the button knife was blood-stained. She submitted that the applicant is a young boy, aged 21 years and has completed his S.S.C and has done a short course in Computer Studies. She submits that the applicant has no antecedents.

5. Learned APP opposed the bail application. She submitted that there was a previous quarrel between the applicant and others with the

deceased some time in November, 2013, pursuant to which the deceased was assaulted. She submitted that, in the incident of 7th November, 2013 a complaint was lodged by the father of the deceased, as against the applicant and others. The learned APP does not dispute the fact, that the only material qua the applicant, is recovery of a button knife, which is seized at his instance.

6. Perused the papers of investigation. The prosecution case rests entirely on circumstantial evidence. The material qua the present applicant is an alleged motive, which is double edged weapon and recovery of a button knife at his instance.

7. Considering the peculiar facts of the case ; the fact that the applicant is 21 years of age and the fact that investigation is complete and charge-sheet has been filed, 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 report to the Aarey Police Station, Mumbai, on the 1st and 3rd Saturday of every month between 10.00 a.m. to 11.00 a.m., till the conclusion of the trial ;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released 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 Aarey Police Station, Mumbai
- iv) The Applicant shall not enter the jurisdiction of the Vikroli Police Station, where the deceased's family members reside ;
- v) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case;
- vi) The Applicant shall co-operate with the trial court in the conduct of his trial ;
- vii) An undertaking with respect to the aforesaid clauses ii) to vi) shall be filed by the Applicant, in the Trial Court, which is seized of the case, within two weeks

of the applicant's release

viii) Upon failure to attend any two consecutive dates, the prosecution will be at liberty to seek cancellation of the Applicant's bail.

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

9. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application.

10. Parties to act upon the authenticated copy of this order

(REVATI MOHITE DERE, J.)