

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2489 OF 2015

Pukhraj Chatarbhanji Jain
Versus

...Applicant

The State of Maharashtra

...Respondent

.....

Mr. Pradip D. Gharat for the Applicant.

Ms R.V. Newton, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 23rd DECEMBER, 2015.

P. C. :

This is an application for bail filed by the aforesaid Applicant, who is an accused in Crime No.209 of 2015 registered with Roha Police Station, District-Raigad, for the offences punishable under sections 302 and 201 of the IPC.

2. The learned counsel for the Applicant has submitted that initially FIR was lodged against unknown person. Subsequently the co-accused Jagdish and Manisha were arrested and that the Applicant came to be arrested on 24.11.2015 based on suspicion. He has further submitted that there is no prima facie material to show the involvement of the Applicant in commission of the offence under

section 302 of the IPC. At the most the allegations against the Applicant are that he had tried to destroy the evidence and thereby committed offence under section 201 of the IPC. He has submitted that the Applicant is an old man and that his custody is not required for further investigation.

3. The learned APP submitted that the investigation is still in progress and there is prima facie material to show the involvement of the Applicant in committing the crime. Hence, the Applicant is not entitled for bail.

4. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent-State. The records prima facie show that on 1.11.2015 at 11.30 a.m. one Sunil Kasar had seen a burnt body by the side of the road leading from Chincheche pani, village-Tambdi. Pursuant to the FIR lodged by said Sunil, crime was registered against an unknown person. The said body was subsequently identified as that of one Kantilal Jain. The son of the Applicant - Jagdish Pukhraj Jain and another lady by name Manisha Ramchandra Chordekar were arrested. In the course of the investigation the present Applicant came

to be arrested. The records prima facie reveal that the Applicant herein had helped the accused Jagdish and Manisha to change their blood stained clothes and further to conceal the motor-cycle used in committing the offence. The investigation prima facie proves the role of the Applicant in commission of the offence. The investigation is still at initial stage. Considering this fact and also considering the nature of the offence, in my considered view the Applicant is not entitled for bail at this stage.

5. Under the circumstances and in view of the discussion supra, the Application is dismissed.

(ANUJA PRABHUDESSAI, J.)