

(a) since the investigation in the matter is completed and charge sheet is filed, further detention of the present applicant is not necessary,

(b) the investigation depicts that the story of prosecution is based on circumstantial evidence in which there are missing links. In view thereof, probability of applicant's involvement in the commission of crime is very less,

(c) there is no past criminal antecedents against the applicant and applicant, the person with family will be respecting the Court proceedings in law.

3. The prosecution story as is appeared from the investigation papers is that, apart from applicant's wife and children, the applicant was love with deceased Rajubai, a widow. The dead body of deceased Rajubai was located sometime around 02/06/2015 in the decomposed condition. It is during investigation noted that, applicant was having illicit relations with said Rajubai, who was H.I.V. infected lady. As the applicant was not interested in continuing the relations with the deceased Rajubai, the applicant so as to get rid of her, has murdered.

4. From the record, Mr. Ghatge, learned Counsel for the applicant has taken me through the various statements viz. employer of the applicant, namely Rajesaheb Godse, sister of applicant, namely Gulabai and his nephew Shaikh Shakir @ Bablu Shaikh

Mohammad so as to establish the case of *alibi*. According to him, he is falsely implicated in the crime in question.

5. Learned A. P. P. opposed the application on the ground that the investigation depicts prima facie involvement of the applicant in the crime in question. Even if there are no eye witnesses to the incident, mother of the deceased Rajubai has admitted that the applicant was having illicit relations with the deceased Rajubai. Apart from above, he submits that, there is sufficient discovery under section 27 of Evidence Act from the applicant.

6. Having bestowed my thought to the submissions made and upon perusal of the chargesheet, it depicts that there is sufficient evidence brought on record by the investigating agency depicting illicit relations between the applicant and deceased Rajubai. It is also required to be noted that, the discovery under section 27 of the Evidence Act, speaks of recovery of mobile of deceased Rajubai from the applicant's custody and C.D.R. report as is placed on record demonstrates that the applicant and deceased Rajubai were in continuous touch with each other. The location of the tower as is brought on record during the investigation depicts that both mobile phones, that of applicant and of deceased Rajubai were operated from same tower which is near by the spot of the incident.

7. The circumstances, as are brought on record depict involvement of the applicant in crime in question, in my opinion, prima facie, there is sufficient evidence for the purpose of rejecting bail application of the applicant.

8. In view above discussion, no case for grant of bail is made out. Criminal application fails, same stands rejected.

[N.W. SAMBRE, J.]