

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 218 OF 2016**

Popat Kashinath Argade

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Shailesh Kharat for the Applicant

Mr. D. P. Adsule, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
SATURDAY, 16th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 477 of 2015 registered with the Chakan Police Station, Pune, for the alleged offences punishable under Sections 302 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant submitted that there are no allegations whatsoever as against the applicant. He submitted that the applicant was apprehended in the aforesaid C.R only on the basis of

suspicion, as the deceased was having an affair with the wife of the applicant. He submitted that co-accused wife of the applicant has been enlarged on bail. According to him, there is no last seen or any other material to connect him with the alleged offence. According to him, the applicant has been arrested in the present C.R only on suspicion.

4. Learned A.P.P on the instructions of the Investigating Officer, who is present in Court, is unable to point out any material either direct or circumstantial, to connect the applicant with the alleged offence.

5. The prosecution case rests entirely on circumstantial evidence. However, there are no circumstances in the form of recovery or last seen or any other material *prima facie* to connect the applicant with the present offence. Investigation is complete and charge-sheet is filed. Accordingly, the application is allowed and the applicant is directed to be released on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;

- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m for a period of 12 months from the date of filing of the charge-sheet;
- (iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) 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 concerned Police Station;
- (v) The applicant to cooperate with the conduct of the trial;
- (vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.
7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.