

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.748 OF 2016

Mr. Balu @ Bhalchandra Kisan Dhokre. ...Applicant.

Vs.

The State of Maharashtra. ...Respondent.

Mr. E.B.Dixit i/by Yadav P. R. for the Applicant.

Mr. H.J.Dedhia, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 18th August, 2016

P.C.

This is an application for bail by the applicant in CR No.I-123-2015 dated 5.9.2015 under Section 302, 364, 201 read with 34 of the Indian Penal Code registered with Murbad Police Station, District Thane (Rural). The name of the deceased is Sanjiv K. Panikar. The record reveals that the dead body of the deceased was found near the river bank on 1.9.2015. The police initially lodged accidental death report and conducted enquiry into it. That, the wife of the deceased Smt. Srikala Panikar lodged the First Information Report on 5.9.2015 and expressed suspicion against the applicant for the alleged murder of her husband. The police thereafter investigated the crime and has now filed charge sheet.

The motive as indicated by the Investigating Agency is that the deceased Sanjiv Panikar was having illicit relations with the wife of the present applicant namely Smt. Asha Dhokare. The case is

based on circumstantial evidence. That apart from the suspicion expressed by the wife of the deceased against the applicant, a panchanama recorded under Section 27 of the Cr.PC is on record. By the said panchanama the applicant has pointed out the place where the dead body of Sanjiv Panikar was lying in the river bank and place in the river bank where the applicant allegedly threw the articles belonging to the deceased in the river. It is to be noted here that nothing is recovered from the said spot at the instance of the applicant from the said spot. It is the settled principle of law that strong suspicion, however it may be, cannot form the basis of legal proof. Prima facie, there is no other evidence available on record against the applicant. The applicant was arrested on 8.9.2015 and since then he is in Jail. In view of the above, I am inclined to release the applicant on bail.

2) Hence, the following order.

a) The applicant be released on bail in CR No.I-123-2015 registered with Murbad Police Station on his furnishing PR bond of Rs.25,000/- with one or more solvent local sureties in the like amount.

b) After his release from Jail, the applicant shall attend the Murbad Police Station once in a month on every first Monday of the month between 11. 00 to 2.00p.m.

c) The applicant shall not tamper with the evidence and shall not pressurize the witnesses.

d) Application is disposed of accordingly.

(A.S. GADKARI, J.)