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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1267 OF 2016

Avinash Yakub Kale	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Subodh Desai, /by Aditya Sawant, for the Applicant.
Mr. Deepak Thakery, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 30th JUNE, 2016.

P.C. :

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. The learned counsel for the applicant by taking me through charge sheet submits that there is no specific evidence on record to connect the applicant to crime in question. The prosecution is only relying on memorandum statement of accused No.1 Dnyaneshwar as well as memorandum statement of present applicant Avinash Kale. The learned counsel further argued that nothing came to be recovered at the instance of present applicant; whereas grinder and saw are recovered from Dnyaneshwar Lokare. The learned counsel further argued that recovery is

not relevant factor which would connect the present applicant to the crime in question .

3. The learned APP opposed the application by contending that the offence is of serious nature and punishable with life imprisonment.

4. Perused the chargesheet. From the report lodged by Razak Shaikh, it is seen that his son Daud, who was working as watchman in the post office had left the home and went to the post office. It is seen from the report that Daud was assaulted in front of the post office in that night. In the morning his dead body was found outside post office. A big stone stained with blood was lying upon the said dead body.

5. The case of prosecution is resting on recovery effected at the instance of Dnyaneshwar Lokare. It is averred that on the basis of his voluntary disclosure statement, grinder and saw came to be recovered. Prima facie this recovery does not appear to be of such overbearing importance to connect the applicant to the capital offence.

6. Considering the nature of evidence against present applicant and after the charge sheet is filed, his pre-trial detention is not warranted. Therefore, the following order.

Order

- I) The application is allowed.
- II) The applicant arrested in above crime, be released on

bail on his executing P.R. Bond in the sum of Rs.20,000/- and on his furnishing surety in the like amount.

III) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

IV) The applicant shall attend the trial scrupulously and shall co-operate the trial Court in expeditious disposal of the case.

V) The applicant shall not tamper with the prosecution evidence in any manner.

[A. M. BADAR, J.]