

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

CRIMINAL BAIL APPLICATION NO.1532 OF 2016

Vicky Rajesh Pawshe Applicant

Vs.

The State of Maharashtra Respondent

Mr. S.R. Borulkar i/by A.M. Savagave, Advocate for the applicant.

Smt. N.S. Jain, APP for the State.

Coram : N.W. SAMBRE, J.

Date : 6th December, 2016

P.C.

1 The applicant is seeking regular bail in Sessions Case No.411 of 2015 (C.R. No. 100 of 2015, registered with Murbad, Thane Police Station), for the offences punishable under Section 302 read with 120B of Indian Penal Code.

2 The applicant was arrested on September 2, 2015 for
the incident dtd. July, 18, 2015. It is claimed that during the
investigation, apart from recovery of mobile, there is no
incriminating material against the applicant, which is

admissible in the evidence. It is also brought to my notice that the statement of the co-accused given in the custody implicating the applicant is not an admissible piece of evidence. The case is based on circumstantial evidence.

3 The learned APP while relying upon the statement of co-accused and recovery of mobile urged that there is enough material to connect the applicant to the crime in question.

4 Having bestowed my thoughts to the submissions made, it is required to be noted that the investigation in the matter is complete and the charge-sheet is already filed. There are no criminal antecedents. Entire case is based on the circumstantial evidence.

5 The statement of co-accused cannot be considered so as to connect the applicant to the crime in question, particularly in the matter of conspiracy as is punishable under Section 120B Indian Penal Code.

6 One of the co-accused, Bharat is already ordered to be released by the learned Sessions Judge, whose case is somewhat similar to the case of the present applicant.

7 In view thereof, the application stands allowed. The applicant be released on P.R. Bond of Rs.50,000/- (Rupees

Fifty Thousand only) with one or two sureties in the like amount.

8 The applicant to attend Murbad Police Station as and when called.

9 The applicant not to tamper with the evidence and/or influence the witnesses in any manner whatsoever.

10 Two consecutive absence of the applicant will entail the learned Judge to proceed with cancellation of the bail, if so required.

(N.W. SAMBRE, J.)