

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

BAIL APPLICATION NO. 1804 OF 2016

Nityanand Jaiprakash Nadar	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

Mr. A.R. Salunke, Advocate for the Applicant.
Smt. J.S. Lohokre, A.P.P. for the Respondent - State.

CORAM : N.W. SAMBRE, J.

DATED : 22nd NOVEMBER, 2016.

P.C. :

1 The applicant seeking regular bail in Crime No. 591 of 2015 for the offence punishable under Section 302 of the Indian Penal Code.

2 It is the case of the prosecution that out of earlier enmity the present applicant has assaulted one Kartik Raj which has resulted into his death.

3 The learned A.P.P. has opposed the bail application on the count that one Abhinesh Nadar has given a statement that the present applicant has made an extra judicial confession to him. The learned A.P.P. then would urge that the C.D.R. reports of the mobile of the applicant depict that the applicant was very much available in the vicinity of occurrence of crime.

4 Having considered the above referred submissions of the learned A.P.P. in the light of material on the record what could be inferred

is the investigation is based on the circumstantial evidence and accordingly applicant is already chargesheeted.

5 Admittedly, extra judicial confession which is available on the record can not be considered to be the only basis for ordering conviction as the said material is used only for the purpose of corroboration.

6 Apart from above, the C.D.R. reports which are relied upon depicts of the presence of the applicant in the said vicinity as the applicant claimed to be the resident of same area.

7 There are no criminal antecedents. The investigation in the matter is complete and the charge sheet is already filed. In view thereof, the application is allowed.

8 In the event of arrest, the applicant be released on bail on furnishing P.R. Bond of Rs.50,000/- with two sureties in the like amount. Two consecutive absence of the applicant before the learned trial Court will entail it to take out proceedings for cancellation of bail. The applicant shall attend police station as and when called for. The applicant shall not tamper with the evidence or influence the witnesses.

(N.W. SAMBRE, J.)