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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2439 OF 2015

Smt. Ratan Dayananad Gaikwad ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr.Kuldeep S.Patil i/b. Prashant S. Hagare for the applicant.

Mr.Deeopak Thakery, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 29TH JUNE, 2016

P.C. :-

1. The applicant / accused in Crime No.114/2014 for offences punishable under sections, 302, 201, 120B, 404, 414 read with 34 of the Indian Penal Code registered with Wathar Police Station, District Satara by this application is praying for releasing her on bail.

2. Heard the learned counsel for the applicant. He vehemently argued that the prosecution case is having patently legal infirmities. He submitted that statement of Salim Mushtaq Shaikh came to be recorded on 13th October,

2014 in which he claims to have seen the present applicant in the night intervening 13th August, 2014 and 14th August, 2014 but still in the test identification parade, he identified the applicant / accused. The learned counsel further argued that except this, there is no evidence against the present applicant and statement of witness Salim Mushtaq Shaikh is patently false.

3. As against this, the learned APP submits that the trial has already commenced and evidence of in all 11 witnesses is recorded.

4. Perusal of the charge-sheet. The F.I.R. shows that the present applicant was serving in the electrical shop of deceased Kalwarsingh Gujjar. Statements of witnesses who are neighbourers of the present applicant do show that the deceased Kalwarsingh had illicit relations with the present applicant. The neighbourers are stating that deceased Kalwarsingh used to stay at her house throughout the night and used to leave early in the morning. The prosecution claims Salim Mushtaq Shaikh to be the witness who had seen deceased Kalwarsingh entering the house of the present

applicant and thereafter, few boys taking him out of the said house and putting him in a car. The present applicant is also stated to have accompanied those boys, who are arraigned as accused in the present case.

5. Considering the fact that in all 11 witnesses are already examined by the prosecution and the trial is on the verge of conclusion, at this stage, it is not appropriate to comment on the evidentiary value of the version of the eye witness Salim Mushtaq Shaikh. For the same reasons, it is not appropriate to entertain this present application at this stage and, therefore, the order :-

The application is rejected.

(A.M.BADAR, J.)