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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2488 OF 2015

Dwarkaprasad Kedarnath Gupta

..Applicant.

Vs.

The State of Maharashtra

.. ..Respondent

Ms. Anjali Patil for applicant.

Ms. A.T. Javeri, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 22nd February 2016.

P.C.

1 The applicant is seeking bail in CR No.I-136 of 2014 registered with NRI Sagari Police Station, Navi Mumbai under Sections 302, 376, 201, 203 read with 34 of IPC.

2 It is the prosecution case that, the applicant was having relations with deceased lady namely Smt. Surekha Atangale. That on 11.9.2014, the applicant along with deceased Smt. Surekha Atangale and her minor daughter went to the residence of the co-accused Swaminath Gupta for overnight stay. That, late in the night, the applicant and co-accused Swaminath Gupta committed forcible intercourse with the

deceased Smt. Surekha Atangale and being apprehensive of the fact that the said Smt. Surekha Atangale may report the said incident to the police or others, they committed her murder by strangulating her. After completion of investigation, the police have filed chargesheet.

3 The present crime is based on circumstantial evidence. The co-accused Swaminath Gupta has been released on bail by this court by its order dated 11.12.2015. The role attributed to the present applicant is same and similar to that of Swaminath Gupta. In view of the same, principle of parity is squarely applicable to the present applicant also.

The learned APP expressed an apprehension that the applicant does not have fixed place of residence and after his release from jail, he may abscond and will not be available for trial. The said apprehension can be taken care of by imposing stringent condition upon the applicant.

4 In the circumstances, the applicant has made out a case for grant of bail. Hence, the following order:-

(i) The applicant shall be released on bail in CR No.I-136 of 2014 registered with NRI Sagari Police Station, Navi Mumbai on his furnishing PR bond of Rs.50,000/- with one or two solvent sureties in the like amount.

(ii) After his release from jail, the applicant shall report to the NRI Sagari Police Station on every 1st and 3rd Monday in a fortnight

between 10.00 a.m. to 1.00 p.m.

(iii) After his release from jail, the applicant shall submit the documents of his residential proof at Navi Mumbai to the NRI Sagari Police Station and the Trial Court along with mobile phone number, if any.

(iv) The applicant shall not tamper the prosecution evidence and/or influence the prosecution witnesses.

(v) The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)