

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 259 OF 2017

Mr. Francis Toni Raypa. ...Applicant.
vs.
The State of Maharashtra ...Respondent.

Mr. Kuldeep S. Patil for the Applicant.
Mrs.P P Shinde, APP for the State.

CORAM :A.S.GADKARI, J.
DATE : 5st April, 2017

P.C.

The applicant is seeking bail in CR No. I-300 of 2016 registered with Tulinj Police Station, District Palghar under section 302 read with 34 of the Indian Penal Code.

2) The first information report is lodged by Sou. Ranjana Sanjay Jain wife of the deceased Sanjay Jain. It is the prosecution case that the deceased Sanjay Jain was in the business of sale and purchase of property in the local area. The accused No.1 Pintu @ Sambha was helping him in the said work. That, the accused No.1 Pintu @ Samha was demanding more money than agreed from the deceased however, the deceased refused to pay the additional amount and therefore, there were disputes between accused No.1 Pintu @ Sambha with deceased. The accused No.2 Vishal Rajbhar and the present applicant are friends of accused No.1 Pintu @ Sambha. It is the further prosecution case that on 22.2.2016 when the deceased had been to shop for purchasing food articles for his

children, accused No.1 Pintu @ Sambha demanded more money from the deceased for drinking liquor. However, the deceased refused to comply the said demand and therefore, accused No.1 along with applicant and other accused persons assaulted the deceased by knife and committed his murder. During the course of investigation the applicant came to be arrested on 14.6.2016. After completion of investigation the police have submitted the charge sheet.

3) As far as applicant is concerned, the prosecution has propounded three circumstances against him. The strong suspicion which has mention in the supplementary statement of the wife of the deceased which is recorded after the gap 13 days. That, the applicant showed place/spot near the creek where he has threw blood stained clothes. It is to be noted here that during the search taken by the police in presence of the applicant nothing incriminating is found from the said spot. The third circumstance propounded by the prosecution is that the applicant was present near the scene of offence on the date of incident and the said fact is tried to be established by relying on the report of the tower location of the mobile phone of the applicant. It is to be noted here that however, the said tower location of mobile phone as per the record is near Santosh Bhavan, Nalasopara (E). The tower location of the mobile of the applicant is shown as Santosh Bhavan, Nalasopara (E), Tal. Vasai, District Palghar. The residential address of the applicant is also at Santosh Bhavan, Nalasopara (E). Therefore, the said circumstance propounded by the prosecution prima facie is of no avail to it.

1. In view of the facts and circumstances mentioned herein above, the applicant has made out a case for his release on bail.

Hence, the following order.

- a) The applicant be released on bail in CR No.I-300 of 2016 dated 13.6.2016 registered with Tulinj Police Station, Vasai, District Palghar on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) After his release from jail, the applicant shall attend the Tulinj Police Station on every first Monday of the month between 11.00 a.m. to 2.00 p.m.
- c) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- d) The application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)