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

CRIMINAL BAIL APPLICATION NO.357 OF 2017

Rajesh Ramesh Waghela	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms.Sonal Parab i/b Rajeev Sawant and Associates, for the Applicant.

Mr.R.M.Pethe, A.P.P for the Respondent-State.

ASI – A.S.Dongre, Saphale Police Station, Palghar.

CORAM : REVATI MOHITE DERE, J.

DATE : 14th AUGUST, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-37 of 2015 registered with the Saphale Police Station, Palghar, for the alleged offences punishable under Sections 302, 201 and 109 of the Indian Penal Code.

3. Learned Counsel for the applicant submitted that the prosecution case rests on circumstantial evidence and that there is no material to connect the applicant with the alleged offences.

4. Learned APP opposed the application.

5. Perused the papers. The complainant – Ashish Raut has alleged that on 7th September, 2015, at about 6.15 a.m., when he was passing from Kelva Road Station, Saphale to Kelvar Road on a motorcycle, he saw a dead body near the Rice Mill of one Ramakant Patil. Pursuant thereto, he informed the police and lodged the FIR, as against unknown persons. According to the prosecution, the applicant was having illicit relations with the wife of the deceased – Atul Agarwal, pursuant to which, he assaulted the deceased – Atul with a stone on his head. The prosecution case rests entirely on circumstantial evidence. There is no evidence of last seen or recovery of any incriminating article, at the instance of the applicant. It also appears, that co-accused – Bharti Atul Agarwal (wife of deceased) has been enlarged on bail, by this Court (Coram : Mrs.Mridula Bhatkar, J.) vide order dated 20th April, 2016, passed in Bail Application

No.111 of 2016. Although, it is alleged that the applicant had taken the deceased – Atul in a Tavera Car, there are no witnesses, who support the same. Learned APP has not been able to point out any incriminating material, pointing to the applicant's complicity in the crime. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Monday of every month, between 10:00 a.m. to 11:00 a.m., for a period of 12 months;
- iii) The Applicant shall not contact the complainant, witnesses or any person concerned with the case;

iv) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)