

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPEALLATE JURISDICTION

BAIL APPLICATION NO. 436 OF 2017

Dipak G. Pande

..Applicant.

v.

The State of Maharashtra

..Respondent.

Mr. Satyavrat Joshi for the Applicant.

Mr. A.A.Palekare, APP. for the State.

CORAM: A.S.GADKARI, J.

DATE : 8th September, 2017.

P.C.

1. This is an application under Section 439 of Cr.P.C. for bail in CR No.105/2016 dated 9.7.2016 registered with Market Yard Police Station, Pune City under Section 302 of the Indian Penal Code.

2. It is the prosecution case that, the applicant and one Shantiprasad Bangad conspired to commit murder of Sanjay Das, cook by profession working with Nand Kishore Kabra, with a view to implicate the said Mr. Nand Kishore Kabra in an offence and to take over his business. The first information report is lodged by Mukesh Kumar Jat on 9.7.2016 an employee of Nand Kishore Kabra stating that on 8.7.2016 at about 7.45 p.m. when he went to the flat, deceased Sanjay Das did not open the door. He opened the door of the flat with duplicate key and found that Sanjay Das was lying in the pool

of blood. During the course of investigation the applicant came to be arrested on 18.7.2016. After completion of investigation the police have submitted charge sheet.

3. The present case is based on circumstantial evidence. The only circumstance propounded against the applicant is recovery of weapon at the instance of the applicant under Section 27 of the Evidence Act. At the instance of the applicant two weapons namely knife and sword have been recovered by the police. The knife was having blood stains on it. The Chemical Analyzer's report mentions that no blood is detected on the sword. That, the blade of the said knife was stained with blood and it is of human origin, however grouping of the blood is inconclusive. Apart from the aforesaid piece of evidence, prima facie, there is no other evidence on record against the applicant in the present crime. It is submitted that there are no antecedents at the discredit of the applicant.

Hence, the following order.

a) The applicant be released on bail in CR No.105/2016 registered with Market Yard Police Station, Pune City 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 Market Yard Police Station on first and third Monday

of the month between 11.00 am. to 3.00 p.m.

c) The applicant shall also attend all the dates before the Trial Court.

d) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

e) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)