

Anand

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

BAIL APPLICATION NO.552 OF 2017

Sudarshan Bandu Gaikwad .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.J.D.Mane, Advocate, for the Applicant

Mr.S.H.Yadav, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 05.06.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.160 of 2016 registered with the Solapur Taluka Police Station, District – Solapur, for the alleged offence punishable under Section 302 r/w.34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that there is no material to connect the Applicant with the alleged offence.

4. Perused the papers.

5. Deceased Jyoti went missing from home on 13.04.2016. According to Jyoti's mother's statement, Jyoti disclosed that she was going with her madam to Solapur. She has further stated that at about 7.30 p.m. Jyoti called and disclosed to her mother that she was at Kontam Chowk alongwith her madam. After that Jyoti never called and she could not be contacted. On 16.04.2016, one Rameshwar Koshti informed the police that a dead body (skeleton) was found in his field. On 18.05.2016, Jyoti's mother raised suspicion as against the Applicant. According to Jyoti's mother, there was a love affair between the Applicant and her daughter, Jyoti and that 1 ½ years prior to the incident, Jyoti had attempted to commit suicide. However, Jyoti had not disclosed the reason for the same. According to Jyoti's mother, she had learnt that there was an affair between the Applicant and Jyoti and the Applicant was not getting married to her. The prosecution case rests entirely on circumstantial evidence. There is no evidence of last seen, recovery and CDR as against the Applicant. The CDR records annexed to the charge-sheet only show that the Applicant was in touch with the deceased upto 31.03.2016.

6. Learned APP has not been able to point out any

material to show the Applicant's complicity in the said crime.

7. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

ORDER

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- 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 11:00 a.m. to 12:00 noon till the conclusion of the trial;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)