

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 712 OF 2017**

Tanaji Ananda Thorat	...Applicant
Versus	
The State of Maharashtra	...Respondent
Mr. Anand S. Patil for the Applicant	
Mr. Prashant Jadhav, A.P.P for the Respondent-State	

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 28th JUNE, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 42 of 2016 registered with the Kale Police Station, Kolhapur, for the alleged offences punishable under Sections 302, 201, 404, 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. He submits that

although there is recovery of the applicant's car and clothes, the said material is not incriminating.

4. Learned A.P.P does not dispute the fact that the prosecution case rests entirely on circumstantial evidence. Learned A.P.P is unable to point out any incriminating circumstances to connect the applicant with the alleged offence.

5. Perused the papers. The incident appears to have taken place in the intervening night of 28th and 29th October, 2016. The prosecution case rests entirely on circumstantial evidence. The complaint/FIR has been lodged by Mahadev Katkar, the Police Patil of Village Borgaon. He has stated that he learnt from the villagers that one dead body was lying in the dry portion on the bed of river Kesari, pursuant to which, he and his friend went to the said spot. He has stated that the said body was of an unknown person and that there were marks of assault on his head. Accordingly, he informed the police and lodged the aforesaid FIR. The statements of the brother-Subhash and sister-Usha do not show that the deceased was last seen in the company of the applicant. As far as recovery of Car is

concerned, nothing incriminating is found in the said Car. Even the recovery of clothes of the applicant do not show that the said clothes were blood-stained. *Prima facie*, there is no last seen or any other material to connect the applicant with the alleged offence.

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 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 10:00 a.m. to 11:00 a.m, till the conclusion of the trial;
- (iii) The applicant shall not tamper 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 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 and attend the Court on every date of hearing;

(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.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. 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.

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

REVATI MOHITE DERE, J.