

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 642 OF 2016

Rohit @ Batla Ramesh Nachare ...	Applicant
Vs.	
The State of Maharashtra ...	Respondent

Mr. Kuldeep S. Patil, Advocate for the applicant.

Mr. R.M.Pethe, APP, for the State.

Mr. Prakash Lohane, PSI, Tulinj Police Station, Nalasopara, present.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 13th January, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 10.5.2015 in Crime No.164 of 2015 in Crime No.164 of 2015 registered at Tulinj Police Station, Dist. Palghar. The investigation is completed and charge-sheet is filed against the present applicant for the offence punishable under Section 302 of the Indian Penal Code.

2. It is the case of the prosecution that on 9.5.2015, Vinod Palande lodged a report at the police station that the dead body of his son Vaibhav was found in an abandoned condition near St. Alloysius School. It was apparent that Vaibhav had died homicidal death. Vaibhav was working

as a waiter in the Canteen of Mahanand Dairy at Goregaon. He used to visit his house once a week i.e. on Sunday, In the course of investigation, the present applicant was arrested on suspicion. The papers of investigation would reveal that Nikesh Kadam was working in the same canteen along with Vaibhav. On 8.5.2015, Nikesh Kadam had informed the Manager of the canteen that he desires to attend the relative's marriage and therefore borrowed Rs.500/-. he had also informed that he would be on leave for the next two days. On that day, Vaibhav had attended his duty but was asked to go home as he was absent from duty without permission on the previous two days. On 9.5.2015, Nikesh Kadam had attended the duty and at that time, he had an injury on his forehead. The owner/Manager had questioned him about the same and he had disclosed that he had sustained the said injury in a quarrel at the time of marriage.

3. It appears from the records that the present applicant is a good friend of Nikesh Kadam. On 9.5.2015, the applicant had accompanied Nikesh Kadam to the canteen and had left immediately. It appears that the applicant has been arrested on the basis of disclosure made by Nikesh Kadam while in police custody. As on today, there is no direct incriminating material against the applicant and therefore further

incarceration would not be imperative. Nikesh Kadam shall not claim parity with the present applicant.

4. The observations are restricted to an application under Section 439 of Cr.P.C. and the same shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not reside within the jurisdiction of Nallasopara Police Station and Tulinj Police Station till conclusion of trial.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)