

Anand

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

BAIL APPLICATION NO.886 OF 2017

Pranjal alias Sonya Shivaji Bhosale .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.P.G.Sarda, Advocate, for the Applicant

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

CORAM : REVATI MOHITE DERE, J.

DATE : 28.04.2017

P.C.

. Heard learned counsel for the Applicant and the learned APP for the Respondent – State.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.428 of 2016 registered with the Hadapsar Police Station, Pune, for the alleged offences punishable under Sections 302 & 201 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that there is absolutely no material to connect the Applicant with the alleged offences. He submits that the only allegation qua the

Applicant is that the Applicant under Section 27 of the Indian Evidence Act, had allegedly shown the ATM Centre, from where, co-accused have withdrawn cash.

4. Perused the papers.

5. The prosecution case rests entirely on circumstantial evidence. The incident in question has taken place on 24.06.2016 at about 9.00 p.m.. According to the prosecution, the accused had committed the murder of their friend Sunnykumar Roy. On 30.06.2016, one Pradip Boravake saw the dead body and informed the police, pursuant to which an FIR was lodged as against unknown person. During investigation, the Applicant was arrested on 08.07.2016.

6. Learned APP is unable to point out any material to connect the Applicant with the alleged offences. He does not dispute the fact, that the only material against the Applicant is, that under Section 27 of the Indian Evidence Act, he has shown the ATM Centre where cash withdrawal was done by the co-accused. He does not dispute the fact, that the Applicant was not seen in the CCTV footage of the ATM Centre. According to the

learned APP, the Applicant was standing outside the ATM Centre and hence, was not visible in the CCTV footage. There is no material to support the same. There is no recovery qua the Applicant. The Applicant has no antecedents. Investigation is complete and charge-sheet is filed.

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

O R D E R

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of 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 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.)