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

CRIMINAL BAIL APPLICATION NO.917 OF 2017

Dipak s/o Rangnath Garud	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.S.I.Nandode, for the Applicant.

Ms.S.S.Kaushik, A.P.P. for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 5th MAY, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-164 of 2016 registered with the Manmad City Police Station, Nashik, for the alleged offence punishable under Section 302 of the Indian Penal Code.
3. Learned Counsel for the applicant submitted that there is no

material to connect the applicant with the alleged offences. He submits that the prosecution case rests entirely on circumstantial evidence and that there is nothing on record to show the involvement or complicity of the applicant.

4. Learned APP states that the applicant's sister has stated that there was some dispute between the applicant and their deceased mother on account of property. She relied on the statement of the applicant's sister – Shobha Chavan, in support of her submission wherein, she has stated that in December, 2015, the applicant had assaulted her as well as her mother i.e. deceased – Indubai.

5. Perused the papers. The incident in question has taken place in the intervening night of 21st and 22nd September, 2016. The prosecution case rests entirely on circumstantial evidence. Apart from an alleged motive, there is no other material to show the complicity of the applicant in the commission of the offence. There is no evidence of recovery, last seen etc, qua the applicant. Even the complaint lodged, by the complainant, who is brother of the applicant, shows that he had expressed suspicion on the applicant. The dead body was found in the field on 22nd September, 2016.

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 furnishing P.R. 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 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 trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case;
- (v) The Applicant shall cooperate with the conduct of the trial.

7. The Application is allowed and disposed of in above terms.
8. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)