

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1025 OF 2017**

Vishwas Anna Shinde	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Kuldeep U. Nikam for the Applicant

Mr. S. R. Agarkar, A.P.P for the Respondent-State

API Mr. Surul Keshav Harugade from Bhilawadi Police Station, Sangli, is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 25th JULY, 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. 27 of 2016 registered with the Bhilawadi Police Station, Sangli, for the alleged offences punishable under Sections 302 and 201 of the Indian Penal Code.

3. Learned Counsel for the applicant states that the prosecution case rests on circumstantial evidence and that there are no circumstances to

connect the applicant with the alleged offence. He submits that although the complaint/FIR was lodged by the applicant, subsequently, he was arraigned as an accused. He submits that there is no evidence of last seen with the deceased. He further submits that the CDR records will also not in any way help the prosecution, as, admittedly, the applicant was there in the said area, as he had gone to call the deceased. He submits that even recovery of a sickle, at the instance of the applicant, is also suspicious and doubtful, as the same was lying in a *nallah*. He submits that the applicant is aged 61 years and as such he be enlarged on bail.

4. Learned A.P.P opposes the application.

5. Perused the papers. The prosecution case rests entirely on circumstantial evidence. Learned A.P.P is unable to point out the CDR records nor any other material. As far as recovery of sickle at the instance of the applicant is concerned, the same is not blood-stained. There is no evidence of last seen.

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. 50,000/- 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 12:00 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 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) The applicant shall file an undertaking with regard to clauses (ii) to (vi) in the trial Court within two weeks of his release;

(vii) 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 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.