

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1394 OF 2017

ANAND KUMAR MISHRA)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Prashant Pawar, Advocate for the Applicant.

Ms.Veera Shinde, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 17th NOVEMBER 2017

P.C. :

1 The applicant / accused in Crime No.653 of 2015 registered with Police Station Khar, Mumbai, for the offence punishable under Section 302 of the Indian Penal Code(IPC), by this application is seeking his release on bail during the pendency of the trial.

2 Heard the learned Advocate appearing for the applicant/accused. He argued that the case is based on

circumstantial evidence and the only circumstance against the applicant/accused is reflected from the statement of co-worker, but in the C.C.T.V. Footage, the assault is seen to have been made by some unknown person. The Chemical Analyser's Report is conclusive and as such, on completion of investigation, the applicant/accused is entitled for bail.

3 The learned APP opposed the application by pointing out the evidence against the applicant/accused found in the charge-sheet.

4 I have carefully considered the rival submissions and also perused the entire charge-sheet. The crime in question is registered on the basis of report lodged by Mahendra Kumawat – Labour Contractor at White House site of K. Bhatia Realtors, where the incident of homicidal death of Upanand Das took place. The deceased was working as a labour at the site where as the present applicant/accused was working as watchman. The entire case is based on circumstantial evidence.

5 From the statement of co-workers it is seen that, soon before the incident, the applicant/accused was in company of deceased Upanand Das. They were sitting near the camp fire and quarreling with each other at the relevant time. Confessional statement of the applicant/accused has resulted in recovery of blood stained clothes and the Chemical Analyser's Report shows that seized clothes at Exhibit 2 was having human blood. The applicant/accused has been identified by witness Rahul Jaiswar. There is also evidence regarding extra judicial confession. The Charge has already been framed, as stated by the learned advocate for the applicant/accused.

6 In this view of the matter, no case for bail is made out, as there is prima facie evidence connecting the applicant/accused to the offence punishable under Section 302 of the IPC. As such the order :

ORDER

- i) The application is rejected.

ii) As the Charge has already been framed, the learned trial court is requested to expedite the trial and decide the same, as far as possible, within the period of nine (9) months from today.

(A. M. BADAR, J.)