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

CRIMINAL BAIL APPLICATION NO.1422 OF 2017

Chandrakant Khasaba Shirsat	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.K.S.Patil, for the Applicant.

Mr.S.H.Yadav, A.P.P for the Respondent-State

API – B.M.Dhule, Shirala Police Station, Sangli.

CORAM : REVATI MOHITE DERE, J.

DATE : 1st AUGUST, 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.71 of 2016 registered with the Shirala Police Station, Sangli, for the alleged offences punishable under Sections 302, 201 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the Applicant submitted that the

prosecution case rests entirely on circumstantial evidence and that there is no material to connect the applicant with the alleged offences. He relied on page 119 of the application i.e. the statement of the applicant's employer to show that the applicant was at Andheri, Mumbai, during the said period.

4. Learned APP does not dispute the fact, that the applicant was not present either at, Shendgewadi or at Wakurde Village, where the dead body of the deceased was found.

5. Perused the papers. The prosecution case rests entirely on circumstantial evidence. According to the prosecution, the applicant was married to co-accused – Yashoda and that Yashoda was having an affair with deceased – Shankar. It appears that the applicant had sent Yashoda to Shendgewadi because of the said affair, whereas, the applicant continued to work at Andheri, Mumbai. It appears that on 30th October, 2016, co-accused – Vikas Shendge called the deceased to Shendgewadi. On 3rd November, 2016, the dead body of the deceased was found in a lake at Wakurde village. There is no evidence of last seen, recovery, CDR records, etc., qua the applicant. Infact, the statement of the applicant's employer

shows that the applicant was at work, at the relevant time. It is also pertinent to note, that co-accused – Yashoda and Vikas have been enlarged on bail by the Sessions Court.

6. Be that as it may, investigation is complete and charge-sheet is filed. The applicant has no antecedents. 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.15,000/- with one or two sureties in the like amount;
- ii) The Applicant shall not contact the complainant, witnesses or any person concerned with the case;
- 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 co-operate in 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.)