

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

CRIMINAL BAIL APPLICATION NO.1508 OF 2017

Bharat Tukaram Jaidh

... Applicant

vs.

The State of Maharashtra

... Respondent

.....

Mr. Aniket Nikam i/b. Mr. Aashish Satpute for the Applicant.

Ms. S. S. Kaushik, APP for the State.

CORAM : T. V. NALAWADE, J.

DATE : 28.08.2017.

P.C.:

1. The application is filed for bail in C.R. No. 73 of 2016 registered in MIDC Bhosari Police Station, Dist: Pune for the offences punishable under Section 363, 364, 302, 201, 120 B of Indian Penal Code. As the charge-sheet is filed papers of investigation were available for perusal. Both the sides are heard.

2. The deceased Prathamesh was a son of first informant. He left home on the night between 9:3 and 10:03 as some friends had come to his house and they were waiting outside. These friends were not seen by first informant. As Prathamesh did not return home first missing report was given.

3. The material collected shows that there was motive for crime for Dhiraj as he suspected that deceased Prathamesh had relation with his sister. On the basis of statement given by Dhiraj under Section 27 of the Evidence Act, the dead body came to be recovered. The learned APP submitted that in the statement given under Section 27 of the Evidence Act Dhiraj has taken the name of the present applicant as one of the associates. In law that part of statement cannot be used as

against the present applicant. The learned APP submitted that the clothes of the present applicant are recovered and seized. According to the State the death took place due to strangulation. In view of this circumstances the circumstance of seizure of clothes can be of no use to the State. The learned Counsel to the applicant then drew attention of this Court to the order made by this Court in Criminal Application No. 1759 of 2016 decided with other two bail applications. To those three so called associates of Dhiraj bail is granted by this Court by observing that there is no material for detaining them in jail till the disposal of the case. The case of the present applicant cannot be treated on different footing. In the result application is allowed. The applicant is to be released on bail on his furnishin PB of Rs.50,000/- with one or more solvent surety in the like amount. The applicant is not to tamper with the prosecution witnesses. He is not to commit similar offence. He is not to enter in the jurisdiction of MIDC Bhosari Police Station and village Moshi till the conclusion of the case. He should attend the concern Police Station once, that is second Sunday between 9.00 am and 12.00 noon till the date of framing charge.

(T. V. NALAWADE, J.)