

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

CRIMINAL BAIL APPLICATION NO. 1440 OF 2016

Shiva Rajiv Singh.	... Applicant.
Versus	
State of Maharashtra	... Respondent.

Mr. Aamir Mushtak Shaikh, advocate for applicant.

Mr. Arfan sait, APP for State.

Mr. Girish N. Gaikwad, PSI, Mumbai Police Station, Thane City.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : JANUARY 6, 2017.**

P.C.

1 Heard the learned Counsel for the applicant and the learned APP
for State. Perused the papers.

2 This is an application under section 439 of the Code of Criminal
Procedure, 1973. The applicant herein is arrested on 13/4/2015 in

Crime No. 396/15 registered at Mumbra Police Station. The investigation is completed and charge-sheet is filed against the present applicant for offence punishable under Section 302, 201 read with Section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 13/4/2015 Sunil Salvi, resident of Sthapathya Apartment lodged a report at the police station that he is also operating water supply pump of the said building. On 13/4/2015 at about midnight, he had been to pump room of the said building. At that time, he noticed that two persons were peeping into sanitation tank of Saivihar. They were throwing dead body in the tank. He suspected some foul play and therefore, called the members of the society. When the members of the society gathered, two persons started fleeing from the spot. They were chased by the members of the societies and at that time, they had disclosed that they were on inimical term with one Babu resident of Bholenath complex, Mumbra

and that they have caused his homicidal death and were attempting to dispose of the dead body. On the basis of this report, Crime No. 396/15 is registered.

4 In the course of investigation, statement of Dinesh Jadhav was recorded. He has also reiterated the story narrated by the first informant. It is apparent that the accused was chased and apprehended on the spot by the informant and other members of the society. Soon after he was accosted by the public, he had disclosed that they have committed the said offence and were in the process of causing disappearance of the offence. The clothes on their person were bloodstained. The statement was made to the public at large even prior to registration of offence. The learned APP submits that this could be read as an extra judicial confession and statement made before the police. It is in these circumstances that the applicant does not deserve to be enlarged on bail.

5 The application being sans merits stands rejected and disposed of accordingly. The learned Sessions Judge shall not be influenced by the observations at the time of trial.

(SMT. SADHANA S. JADHAV, J)