

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1641 OF 2017

Kiran S.Kamble

...Applicant.

vs.

The State of Maharashtra

...Respondent.

Mr. Satyavrat Joshi for the Applicant.

Mr. S.H.Yadav, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 10th October, 2017

P.C.

1. This is an application under Section 439 of the Code of Criminal Procedure for bail in CR No.34/2016 dated 13.2.2016 registered with Paud Police, District Pune under Section 302 read with 34 of the Indian Penal Code.

2. Heard the learned counsel for the applicant and the learned APP. Perused the charge sheet.

3. It is the prosecution case that deceased Raju Sitaram Holkar was having illicit relations with the wife of accused No.1 Parmeshwar Kasbe and after accused No.1 Parmeshwar came to know about the said fact, he along with present applicant committed murder of Raju Holkar on or before 10.00 a.m. of 12.2.2016 within the jurisdiction of Village Padyalghar, District Pune.

2. Prima facie, it appears that there is only one circumstance propounded by the prosecution against the applicant i.e. recovery of mobile phone of the deceased under Section 27 of the Evidence Act. It prima facie appears from the record that the said mobile phone was without SIM card at the time of recovery and there is no identity of the

said handset about its ownership by deceased at the instance of any of the witnesses. In view thereof, the applicant can be released on bail.

Hence, the following order.

- a) The applicant be released on bail in CR No.34/2016 dated 13.2.2016 registered with Paud Police Station, District Pune on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount .
- b) After his release from Jail, the applicant shall attend the concerned Police Station once in month i.e. on every 1st Monday of the month between 11.00 a.m. to 2.00 p.m.
- c) The applicant shall also attend all the dates before the Trial Court.
- d) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.
- e) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- f) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)