

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

BAIL APPLICATION NO. 2119 OF 2017

Devji Hiru Thombre

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Niranjan Mogre a/w Sujay Gangal for the Applicant.

Mr. N.B. Patil, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 07th NOVEMBER, 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 2 of 2017 dated 04.01.2017 registered with Rasayani Police Station, District Raigad under Section 302 of the Indian Penal Code.

2 It is the prosecution case that the Applicant is son-in-law of deceased Manglya Khaire. That there was dispute between the Applicant and deceased over his share of profit out of sale of agricultural produce, prior to a year from the date of incident. That the dead body of deceased Manglya Khaire was found in the hut in the agricultural field on 04.01.2017. The first information report is lodged by the Police Patil of village Old Posari. During the course of investigation, the Applicant came to be arrested on 05.01.2017. After completion of investigation, the police have submitted charge-sheet.

3 The prosecution has propounded in all three circumstances against the Applicant, namely i) motive, ii) suspicion and iii) recovery of knife and clothes at the instance of Applicant under Section 27 of the Evidence Act.

4 As far as the first circumstance of motive is concerned, it is the wife of the deceased who has narrated about the alleged disputes/differences between the Applicant and the deceased Manglya Khairi arisen out of share of profit from sale of agricultural produce. However, it is to be noted here that the said dispute took place a year prior to date of incident. The second circumstance of suspicion has come on record, due to the Applicant's not attending the funeral of deceased. As far as third circumstance of recovery is concerned, though it is mentioned in the recovery panchanama that there were certain blood stains on the blade of knife, the material on record is silent of matching of blood group of it with the deceased. It is the prosecution case that the Applicant had already washed his clothes at the time of its recovery.

In view of the above, the Applicant can be released on bail.

Hence, the following order:

i) The applicant be released on bail in C.R. No. 2 dated 04.01.2017 registered with Rasayani Police Station, District Raigad on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

ii) After his release from jail, the applicant shall attend the Rasayani Police Station once in month i.e. on every first Monday of the month between

11.00 a.m. to 1.00 p.m.

- iii) The applicant shall also attend all dates before the Trial Court.
- iv) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.
- v) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)