

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2528 OF 2016**

Suresh Balu Dombale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Rahul S. Kate for the Applicant

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

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 31st MARCH, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 178 of 2016 registered with the Natepute Police Station, for the alleged offence punishable under Section 302 of the Indian Penal Code.
3. Learned Counsel for the applicant states that there is no evidence to connect the applicant with the alleged offence.

4. Perused the papers. The incident in question has taken place in the intervening night of 29th July, 2016 and 30th July, 2016. The prosecution case rests entirely on circumstantial evidence. The only two circumstances alleged against the applicant are that the applicant was having illicit relations with the deceased and that the last call was made by the applicant to the deceased at around 9:27 p.m. It appears that the dog squad was called, however, the dog squad led the police to the house of the deceased. *Prima facie*, at this stage, there is no evidence of last seen together or any other material to connect the applicant with the alleged offence.

5. The learned A.P.P has not been able to point out any other circumstances against the applicant.

6. Considering the aforesaid, the applicant deserves to be enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station on first Monday of every alternate month commencing from May, 2017, between 11:00 a.m. to 12:00 noon, till the conclusion of the trial;

(iii) The applicant shall not tamper the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) 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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's

bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.