

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

BAIL APPLICATION NO.399 OF 2018

Kaliprasad Rajtaram Paswan

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. F.N. Momin i/b Mr. G.J. Jain for the Applicant.
Smt. J.S. Lohokare, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 23rd JULY 2018

P.C.:

1. This is an application under Section 439 of the Cr.P.C. for bail in C.R.No.I-111 of 2016 dated 19.07.2016 registered with Nizampura Police Station, Bhiwandi, Dist. Thane under Sections 302, 201 r/w.34 of the Indian Penal Code.
2. Heard the learned counsel for the applicant and the learned APP. Perused the charge-sheet.
3. The prosecution case in nutshell is that, the deceased Abhishek alias Govinda F. Waghmare was residing in the same

vicinity where the applicant was residing. The deceased and accused persons were addicted to drinking liquor and smoking cigarettes. The deceased used to visit the residential premises/room of the accused persons and used to cause harassment to them. Prior to 06.11.2013 on several occasions, there were altercations between Abhishek alias Govinda F. Waghmare and the accused persons, as the deceased used to come to their room and created ruckus and/or used to cause harassment. It is alleged that between 9.00 a.m. of 06.11.2013 and 1.30 a.m. of 11.11.2013 the accused persons assaulted deceased Abhishek alias Govinda F. Waghmare and committed his murder. The dead body of the deceased Abhishek was found in the room occupied by the applicant and co-accused. The FIR is lodged by Changdev Chavan, Police Inspector attached to Nizampur Police Station on 18.07.2016.

During the course of investigation, the applicant came to be arrested on 26.03.2017 and after completion of investigation, the police have submitted charge-sheet.

4. The record indicates that there are in all 8 accused persons in the present crime. All the accused persons used to reside in the said room i.e. place of offence. That the deceased Abhishek alias Govinda

was addicted to liquor and used to visit the room of the applicant and other accused persons, create ruckus, used to cause harassment to the accused persons, and therefore, the accused persons on 06.11.2013 assaulted deceased and committed his murder. The accused persons with a view to screen the evidence, put a lock on the room and went away at their native place.

5. It *prima facie* appears that, the only circumstance as against the applicant is that he was one of the occupants of the said room where the dead body of the deceased Abhishek alias Govinda was found. It is to be noted here that, the said room was also occupied by 7 other accused persons. *Prima facie* it appears that there is no other circumstance on record than the afore-stated.

6. In view of the above the applicant can be released on bail.

Hence, the following order.

- a) The applicant be released on bail in C.R.No.I-111 of 2016 dated 19.07.2016 registered with Nizampura Police Station, Bhiwandi, Dist. Thane 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 Nizampura Police Station on every first Monday of the month

between 11.00 a.m. to 1.00 p.m.

c) The applicant shall attend all the dates before the Trial Court unless precluded by medical reasons.

d) The applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

7. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)