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

CRIMINAL BAIL APPLICATION NO.480 OF 2018

Pandurang Jeevan Kadam	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.S.V.Marwadi, for the Applicant.

Ms.J.S.Lohokare, A.P.P for the Respondent-State.

API -S.A.Gosavi, Virar Police Station.

CORAM : REVATI MOHITE DERE, J.

DATE : 23rd MARCH, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-500 of 2017 registered with the Virar Police Station, Palghar, for the alleged offences punishable under Sections 302, 201, 120B, 109 of the Indian Penal Code.
3. Learned Counsel for the applicant submitted that except the statement of the co-accused under Section 27, there is no material in the entire charge-sheet to connect the applicant with the alleged offences.

4. Learned APP opposed the application. She submitted that though the applicant was not present at the spot, there are CDR records to show that the applicant was in touch with the accused No.1.

5. Perused the papers. The applicant is the brother-in-law of the accused no.1. It appears that deceased-Ramabai @Nirmala was asking for maintenance as well as share to be received by accused no.1 on his retirement. It is alleged that pursuant thereto, there was a conspiracy hatched and the deceased was murdered. It appears that except the statement of the co-accused under Section 27, there is no other material in the entire charge-sheet to connect the applicant with the alleged offences. As far as CDR records are concerned, they do not show that the applicant was present at the spot, at the time of the incident. Even otherwise, the applicant is the brother-in-law of the accused no.1 and as such calls made by the applicant to accused no.1, by itself *prima facie* cannot be a circumstance as against the applicant. The applicant has no antecedents.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Sunday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) 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 trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- v) The Applicant shall co-operate in the conduct of the trial;

vi) If there are 2 consecutive defaults in either reporting to the police station or appearing before the trial Court, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

(REVATI MOHITE DERE, J.)