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

BAIL APPLICATION NO.1037 OF 2018

Balgovind Somvarilal Nishad

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Hardeep Singh for applicant.

Ms. A.A. Takalkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 20th July 2018.

P.C.:

1] This is an application under Section 439 of the Cr. P.C for bail in CR No.I-174 of 2016 dated 22.8.2016 registered with Boisar Police Station, District- Palghar under sections 302, 201 with 34 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP for the State. Perused the chargesheet.

3] The prosecution case in brief is that, the deceased Sanjaykumar @ Pradyumn Godia was residing with applicant and co-accused Ajaykumar Godia in a room at Boisar, District Palghar. They all were working at a

garage situated at a MIDC, Boisar. It is alleged that, prior to one month of date of finding of dead body of deceased Sanjaykumar, the applicant and co-accused Ajaykumar were harbouring a belief that deceased Sanjaykumar had stolen their mobile phones and there were quarrels amongst them over the said theft. The applicant was therefore demanding money of his mobile phone from deceased. As deceased did not pay the said amount, it is alleged that in the intervening night of 14.8.2016 and 15.8.2016 between 10.30 p.m to 1.30 a.m the applicant along with co-accused Ajaykumar committed murder of Sanjaykumar by strangulating him. That the accused persons thereafter tied the hands and legs of the deceased Sanjaykumar and put the dead body in a plastic gunny bag and threw it in the nalah situated at Dandipada with a view to destruct the evidence in the crime. During the course of investigation, the applicant came to be arrested on 28.9.2016 and after completion of investigation, the police have submitted chargesheet.

4] The record indicates that, except the statement of co-accused and the information received from the first informant, there is no other material on record to show the clear complicity of the applicant in the present crime.

5] In view thereof, this Court is of the view that the applicant can be released on bail.

Hence, the following Order:-

i] Applicant be released on bail in CR No. I-174 of 2016 registered with Boisar Police Station, District- Palghar on his furnishing PR bond of Rs.20,000/- with one or two solvent local sureties in the like amount.

ii] After his release from jail, the applicant shall attend the Boisar Police Station, District- Palghar, on every first Monday of the month between 11.00 a.m to 1.00 p.m

iii] Applicant shall also attend all the dates before the Trial Court unless precluded for medical reasons.

iv] Any two consecutive defaults in complying with the aforestated conditions will attract the provisions of cancellation of bail.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)