

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1240 OF 2018
Ratankumar D. Paswan vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr. Rahul Arote for the Applicant.

Mrs. J.S.Lohokare, APP. for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 6th August, 2018

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.I-42 of 2016 dated 18.4.2016 registered with Kasa Police Station, District Palghar under Sections 302, 201, 182 of the Indian Penal Code.
2. Heard the learned counsel for the applicant and the learned APP. Perused the charge sheet.
3. The deceased Aslam was working as driver on a truck bearing No.HR-55-M-8846 and the applicant was working as a cleaner on the said truck. That, on 14.4.2016 there was quarrel between the applicant and the deceased over the use of mobile phone of the deceased i.e. the applicant had given a phone call to his relatives at his native place from the mobile phone of the

deceased, which enraged the applicant. It is alleged that due to the said quarrel the applicant committed the murder of the deceased who was sleeping on the rear seat of the cabin of the said truck by piercing a screw driver in his head. The said truck was found abandoned near Mahalaxmi Vivalvede Village on Mumbai Ahmedabad Highway, within the jurisdiction of Kasa Police Station. During the course of investigation the applicant came to be arrested on 28.7.2016 and after completion of investigation the police have submitted charge sheet.

4. The record prima facie indicates that, the only circumstance as against the applicant is that, he was last seen in the company of the deceased in the said truck just prior to 11.00p.m. on 14.4.2016. A statement of the employee of the Cargo company whose goods were loaded in the said truck for transportation to Ahmedbad indicates the same. As noted earlier the dead body of the deceased was found in the abandoned truck on 18.4. 2016. It appears that, there is substantial gap between the alleged last seen together in the company of the deceased and the finding of the dead body.

5. In view thereof, the applicant can be released on bail.

Hence, the following order.

- a) The applicant be released on bail in CR No.I-42 of 2016 dated 18.4.2016 registered with Kasa Police Station, District Palghar 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 concerned police station on every first Monday of the month between 11.00 a.m and 1.00p.m.
- c) The applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.
- d) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- e) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)