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

BAIL APPLICATION NO.2899 OF 2017

JAYESH SHRAWAN PATIL

..Applicant

Vs

THE STATE OF MAHARASHTRA

..Respondent

Mr. Nitesh Pande I/b Equa Juris for applicant.

Ms. Rutuja Ambekar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 2nd July 2018.

P.C.:

1] This is an application under Section 439 of the Cr. P.C for bail in CR No.I-665 of 2015 dated 5.12.2015 registered with Manpada Police Station, Dombivli, District-Thane under Sections 365, 302, 201 and 34 of the Indian Penal Code.

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

3] The prosecution case in brief is that, the applicant was living with deceased Ms. Deepika @ Priya Sikdar in Sai Darshan building, Manpada, Dombivli (East). That there used to be quarrels amongst them

and on the date of alleged incident i.e. on 2.11.2015 in the evening, the applicant assaulted deceased with a knife. The deceased Ms. Deepa died on the spot. The dead body of Ms. Deepa was carried from Dombivili to Bhimashankar forest by car owned by Ganesh Pawar. The applicant alongwith other co-accused thereafter disposed off the dead body of Ms. Deepa in the forest of Bhimashankar by burning it. As the said Ms. Deepa was not seen for a pretty long period, her sister Miss. Sevika Sikdar lodged a crime on 5.12.2015 against the applicant on suspicion. The applicant came to be arrested on 6.12.2015. After completion of investigation, the police have submitted chargesheet.

4] It prima facie appears that, the only piece of evidence against the applicant is that, under the memorandum panchanama recorded under Section 27 of the Indian Evidence Act pointed out the place where he burnt the dead body of Ms. Deepa in the forest of Bhimashankar. The remnants of few bones including teeth in burnt condition were recovered at the said place. The Forensic Science Laboratory submitted its report dated 18.7.2016 stating that no amplifiable DNA is obtained from the said exhibits. As the Forensic Science Laboratory could not extract any material for matching DNA with DNA profile of Ms. Sevika Sikdar, real

sister of deceased Ms. Deepa, the ultimate result of DNA matching is inclusive.

5] The applicant is in jail since December 2015 and the police have submitted chargesheet. In view thereof, the applicant can be released on bail.

Hence the following Order:-

i] Applicant be released on bail in R No.I-665 of 2015 dated 5.12.2015 registered with Manpada Police Station, Dombivli, District-Thane on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii] After his release from jail, the applicant shall attend the Manpada Police Station, Dombivli, on every first Monday of the month between 11.00 a.m and 1.00 p.m till conclusion of trial.

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 cancellatiion of bail.

6] Needless to mention that, the observations made hereinabove are prima facie observations in nature in the context of decision of the

present application and the Trial Court should not get influenced by it at the time of conducting trial.

7] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)