

Dond

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

BAIL APPLICATION NO. 320 OF 2019

Sameer Sahadev Bharti

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. G.T. Kanchanpurkar for Applicant.

Mr. R.M. Pethe, APP for State.

Mr.S.A. Poman, PSI, Boisar Police Station.

CORAM : A.S.GADKARI, J.

DATE : 14th March 2019.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 87 of 2016 dated 20th April 2016 registered with Bhoisar Police Station, District-Palghar under sections 302, 201 read with 34 of the Indian Penal Code.

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

3] The applicant is accused No.1 as per the charagesheet. It is the case of the prosecution that, the applicant along with other accused persons

committed murder of an unidentified person with a view to commit theft of Rs.1.00 lakh from his person. The dead body of the said unidentified persons was found on 19.4.2016 at about 8.00 p.m in a well situated in the field of Kishor Raut. It is the further prosecution case that, after committal of murder and with a view to screen the evidence, the dead body of the said person was thrown in the well.

4] The record indicates that the statement of witness namely Arjun Rampal has been recorded on 3.2.2018 wherein he has disclosed that, in the month of April 2016 the applicant gave extra judicial confession to him, stating that he along with Saritatai committed murder of a person hailing from Nepal in the month on 7th April 2016 at about 8.00 p.m with a view to steal rupees one lakh which was with the said person.

5] Prima facie it appears that, the record is silent about the reason for giving statement by the said witness at such a belated stage to the police. It further prima facie appears that there is no other material available on record to connect the applicant with the present crime.

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

Hence the following Order:-

i] Applicant be released on bail in CR No. 87 of 2016 registered

with Bhoisar Police Station, Disitric- Paghar 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 Trial Court on each and every dat.

iii] In case of two consecutive defaults, the Investigating Officer is at liberty to file an application for cancellation of bail.

7] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)