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

CRIMINAL BAIL APPLICATION NO.400 OF 2019

Minnalkudi Ganesh Harijan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Arjun Kode, i/b Mr.Sugandh Zende, for the Applicant.

Ms.Veera Shinde, A.P.P for the Respondent - State.

PSI – V.S.Sawant, Sewree Police Station, Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 5th SEPTEMBER, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks her enlargement on bail in connection with C.R.No.104 of 2018 registered with the Sewree Police Station, Mumbai, for the alleged offences punishable under Sections 302 r/w 34 of the Indian Penal Code.
3. Perused the papers. The incident is alleged to have taken place on 25th June, 2018. The applicant is the real sister of deceased – Mulvi and

the co-accused is Mulvi's brother-in-law. It is alleged by the prosecution that there used to be frequent quarrels between the applicant, her sister and her brother-in-law as the deceased was having an affair with her brother-in-law after the demise of her husband and had borrowed money from several persons. The prosecution case rests entirely on circumstantial evidence. Although the incident is alleged to have taken place on 25th June, 2018, the FIR was lodged on 27th July, 2018. It appears that deceased – Mulvi was taken to hospital by the applicant and had disclosed to the doctor that Mulvi had fallen down on the road and had sustained injuries. The evidence of Siddique Shaikh recorded belatedly on 24th August, 2018 shows that he had seen the applicant going through the lane in the direction of Mulvi's (deceased) house. Admittedly, the applicant was residing in the neighbouring house, where the deceased was residing. The said statement thus *prima facie* cannot be said to be incriminating. There is no other material apart from the same. The applicant is in custody since August, 2018. Investigation is complete and charge-sheet is filed.

4. 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.10,000/- with one or two sureties in the like amount;

ii) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;

iii) The Applicant shall co-operate in the conduct of the trial.

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

6. 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.

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

REVATI MOHITE DERE, J.