

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 818 OF 2019

Dnyaneshwar Vitthal Shinde	...Applicant
V/s.	
The State of Maharashtra	...Respondent

.....
Mr. Adwait Bhonde, Advocate for the Applicant.
Mr. H. J. Dedhia, APP for the State-Respondent.
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CORAM : PRAKASH D. NAIK, J.
DATE : 11th November 2019

PC :

1. This is an application for Bail in Connection with C.R. No. 264 of 2018 registered with Khed Police Station for offence under Section 302 r/w Section 34 of IPC.

2. The applicant was arrested on 8th July 2018. The First Information Report was lodged by the Sister of the deceased. It is the case of the prosecution that the deceased was suspecting character of his wife. There is quarrel between the deceased and his wife. The deceased had also assaulted his wife. The dead body of the deceased was found on 07th July 2018. On account of the nature of relationship between the deceased and his wife, the complainant suspected that the co-accused had murdered the deceased. The FIR do not mention name of the applicant.

3. During the course of investigation, the accused were arrested. Apparently, the applicant was arrested on the statement of the co-accused. The investigation is completed and the charge is filed.

4. Learned counsel for the applicant submitted that there is no evidence to involve applicant the crime. Except the statement of the co-accused which is not admissible in evidence, there is no evidence against him. Learned APP however submitted that from the spot of incident where the dead body was found, one Shirt Button was seized. While the applicant was arrested it was noticed that the applicant was wearing shirt with the Brand 'Zink' and the button which was recovered from the place of incident was also bearing the name 'Zink'. It is also submitted that the Button and the Shirt were sent for forensic examination and the report supports prosecution case. Learned counsel for the applicant however submitted that the panchnama do not indicate that the button from the shirt purportedly worn by the applicant was missing.

5. There is no eye witness to the incident. It is suspected that the accused who were brothers of the wife of the deceased were involved in the commission of the murder. There is no strong evidence to corroborate the applicant's involvement in the crime. The applicant is in custody from 8th July 2018. There are no antecedent against

him. Hence, case for grant of bail is made out. Hence, the order as follows:

ORDER

1. Bail Application No. 818 of 2019 is allowed;
2. The applicant is directed to be released on bail in connection with C.R. No. 264 of 2018 registered with Khed Police Station on furnishing PR. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
3. The applicant shall report concerned police station once in a month on every first Saturday between 10.00 am. to 12.00 pm. till further order.
4. Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)