

nsc.

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

CRIMINAL BAIL APPLICATION NO.1341 OF 2019

Kiran Ramesh Bhalerao

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.Kabul Singh Labana, for the Applicant

Mr.A.A.Palkar, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 22nd JULY, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I - 289 of 2016 registered with the Khadakpada Police Station, Thane, for the alleged offences punishable under Sections 302, 201, 364, 120B r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant submits that as far as the applicant is concerned, except the statement of co-accused, which is

inadmissible, there is no material to connect the applicant with the alleged offence. He submitted that even the CDR records do not support the prosecution case. He further submitted that the applicant has no antecedents.

4. Learned APP is unable to show any material except the CDR records to show the complicity of the applicant in the present crime.

5. Perused the papers. According to the prosecution, one Mukund Bhoir had given a contract to kill deceased – Vijay Bhoir to one Ravindra Thakare. It is alleged that the said Ravindra in turn gave sub-contract to Rafiq and Akshay Bhoir. On 25th August, 2016, Vijay Bhoir (deceased) was kidnapped by Rafiq. On 25th August, 2016, as Vijay Bhoir did not return home, his brother Ravindra Bhoir, lodged a missing complaint. On 6th/7th September, 2016, the dead body of Vijay Bhoir was found, pursuant to which, FIR was lodged on 7th September, 2016, as against some accused (not the applicant). A perusal of the CDR records shows that two calls were made by co-accused – Rafiq to the applicant on 25th August, 2016, prior to the incident and on 26th August, 2016, two calls were made post the

incident. It appears that when the calls were made by Rafiq to the applicant, the location of the applicant was at a place 7 – 8 kms away from the spot where the alleged incident took place i.e. on 25th August, 2016. The applicant was at Kalyani, Marol on 25th August, 2016 and post incident was at Ambivli and not at Titwala, where the alleged incident took place. There is no other material to connect the applicant with the alleged offence. As noted above, the applicant has no antecedents.

6. 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.25,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The Applicant shall inform his latest place of residence and

mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

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

v) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;

vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of his release;

vii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for

cancellation of Applicant's bail.

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

8. 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.

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

REVATI MOHITE DERE, J.