

Anand

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

BAIL APPLICATION NO. 1783 OF 2019

Santosh Narayan Suryaji

.Applicant

Vs.

The State of Maharashtra

.Respondent

Ms Trupti M. Khamkar a/w Mr. N. M. Nadar, Advocate, for the
Applicant

Mr. S. V. Gavand, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 28.08.2019

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. Heard learned counsel for the parties.

2. This is the second Bail Application filed by the Applicant. It appears from the order dated 20.02.2019 passed by this Court (Coram : Prakash D. Naik, J.) in the Applicant's first Bail Application i. e. B. A. No. 27 of 2019 that the said Application was produced and taken on board and on instructions of the Applicant's mother was withdrawn, as the trial had commenced. Admittedly, the first Bail Application was not heard on merits.

3. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. I-232 of 2017 registered with the

Waliv Police Station, Palghar, for the alleged offences punishable under Sections 302, 201, 181 r/w 34 of the Indian Penal Code.

4. Learned counsel for the Applicant states that there is no material to connect the Applicant with the alleged offence, either direct or circumstantial qua the Applicant.

5. Learned APP states that the only material qua the Applicant that there were illicit relations between the Applicant and co-accused No. 2 and CDR records i. e. calls between them.

6. Perused the papers. According to the prosecution, the Applicant and co-accused – Siddhi were having illicit relations and the said fact was known to Siddhi's husband – Shashikant Kadam. It is alleged that Shashikant (deceased) under the influence of alcohol would doubt Siddhi's character and would assault her. It is the prosecution case that between the period 24.04.2017 at 23.15 hours and 25.04.2017 at 8.30 a. m., the Applicant and co-accused – Siddhi in furtherance of their common intention killed the deceased by strangulating him. Co-accused – Siddhi is alleged to have told every one that the deceased had hung himself in the house. Accordingly, a complaint was lodged by the brother of the deceased – Santosh Kadam alleging an offence as against the Applicant and co-accused – Siddhi.

Apart from the fact that there was a relationship between the Applicant and co-accused – Siddhi, prima facie, it appears that there is no other circumstantial evidence to connect the Applicant with the alleged offence. The Applicant has no antecedents. The Applicant is in custody since 26.04.2017. Investigation is complete and charge-sheet is filed.

7. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

- (i) The Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 20,000/-** 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 **11:00 a. m. and 11.00 a. m.** till the conclusion of the trial;
- (iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) 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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The Applicant shall attend the trial Court on every date,

unless exempted;

(vi) The Applicant shall not leave Mumbai City / Thane City without prior permission of the trial Court;

(vii) The Applicant shall file an undertaking with regard to clauses (ii) to (vi) in the trial Court, within two weeks of his release.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

(REVATI MOHITE DERE, J.)