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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1828 OF 2018**

Dyaneshwar Kaluram Patil	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.Kabul Singh Labana, for the Applicant.

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

**CORAM : REVATI MOHITE DERE, J.
DATE : 9th AUGUST, 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-302 of 2017 registered with the Khadakpada Police Station, Thane, for the alleged offence punishable under Section 302 of the Indian Penal Code.
3. Perused the charge-sheet. The prosecution case rests on circumstantial evidence. According to the prosecution, the Police Constable – R. R. Gamne whilst on patrolling duty received a call from the police station, disclosing that one Korde had informed that a dead body was lying

near Neelkanth Society in one open plot. Accordingly, the complainant Police Constable – Gamne, visited the spot and found one dead body (aged 35 to 40 years) lying near the said society. Pursuant thereto, a complaint was lodged as against unknown person for killing the women for unknown reason. According to the prosecution, the applicant threw a stone on the lady's head, as a result of which, she died. There are statements of two witnesses, where the deceased lady had allegedly gone on 6th October, 2017 at about 10.00 p.m. and had ordered some Chinese food. It is alleged by the said witnesses that the applicant had also come to the said place and that there was a verbal quarrel between the said lady and the applicant. Neither of the two witnesses have been shown the photographs of the deceased lady, in order to ascertain, whether the lady in question, who had visited their place, was the deceased. The said witnesses have also not given the description of the clothes worn by the said lady, so that the lady could be identified on the basis of her clothes. Apart from the said two statements, there is no other material in the form of recovery or any other evidence as against the applicant. The applicant has no antecedents. The applicant is in custody since October, 2017. 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.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 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.

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 the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made herein.

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

REVATI MOHITE DERE, J.