

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

CRIMINAL BAIL APPLICATION NO.1829 OF 2018

Bhagwan Arjun Kharat	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

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Mr.Kabul Singh Labna, Advocate for the Applicant.
Mrs.Geeta P. Mulekar. APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 8, 2019.

P.C. :

This is an application for bail in connection with C.R.No.I-107 of 2017, registered with Tokawade Police Station, Taluka-Murbad, District-Thane, for the offences punishable under Sections 302 and 201 read with 34 of Indian Penal Code ("IPC", for short). First Information Report ("FIR", for short) was lodged by one Mahadeo Alam alleging that on 25th September, 2017, dead body of unknown person was found. Investigation proceeded. The accused were arrested on 28th September, 2017 and 29th September, 2017. The case of the prosecution is that the deceased was killed on account of property dispute.

2 There is no cogent evidence to establish that the applicant is involved in commission of crime. The prosecution is relying on the statement of the co-accused, who had allegedly implicated the applicant. Learned APP submits that the CDR Record indicate that the applicant and the co-accused were in the area of Murbad. The dead body was found in village Tokawade. Learned counsel for the applicant, however, submits that there is no recovery of any mobile phone of the applicant, and, therefore, the question of relying on the CDR Report does not arise. In any case, there is no strong evidence to show the involvement of the applicant in the crime. He is in custody from 29th September, 2017. There are no antecedents against him. Charge - sheet is already filed. Hence, case for grant of bail is made out.

3 Hence, I pass the following order:

:: ORDER ::

- (i) Criminal Bail Application No.1829 of 2018, is allowed;

- (ii) Applicant is directed to be released on bail in connection with C.R.No.I-107 of 2017, registered with Tokawade Police Station, Taluka-Murbad, District-Thane, on his furnishing P.R.Bond in the sum of Rs.20,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall report Tokawade Police Station, Taluka-Murbad, District-Thane, once in a month on first Saturday of the month between 11:00 a.m. to 01:00 p.m., till further orders;
- (iv) Applicant shall not tamper with the evidence in any manner;
- ((v) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)