

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2191 OF 2019

Rinku @ Ashwinkumar Kailashnath

Srivastva

...Applicant

V/s.

The State of Maharashtra

....Respondent

Shri. Ram Mani Upadhyay, Advocate for the
applicant.

Smt. Sharmila Kaushik, APP for State.

P.I. Bandekar, Walvi Police Station present.

CORAM : SANDEEP K. SHINDE, J.

Tuesday, 17th December, 2019.

P.C. :

1. Heard. The applicant is seeking
enlargement on bail in Crime No. I-121/2018
registered with Waliv Police Station, Vasai,
District-Palghar for the alleged offence
punishable under Section 302 of the Indian Penal
Code.

2. It is submitted that, soon after the incident, the applicant was arrested on 22.2.2018 from the State of Uttar Pradesh. The investigation is over; charge-sheet has been filed.

3. Evidence against the applicant-accused is circumstantial in nature and bail is sought on these grounds.

4. Evidence shows, on 11th February, 2018 a dead body of unknown person was found lying at Village-Naigaon. Identity card of one, Vinaykumar and a keychain was found near the body of the deceased.

5. Applicant was allegedly sharing a room/accommodation with one, Bharat-Bhushan Ramchandra Prasad. The alleged incident had taken place in the night intervening 10th and 11th February, 2018. Witness, Bharat Prasad told police that the deceased had come in the room and stayed with the

applicant for two days i.e. 8th and 9th February, 2018 and left on 10th February, 2018. He further stated, on 12th February, 2018 applicant alone returned and left to village at Uttar Pradesh. Photograph of the deceased was shown to this witness. He identified it of the person who was in company of the applicant on 8th and 9th February, 2018. Another witness is, one Suresh Lalsingh Rajput. He runs the business of a tea stall near Virar Railway Station. In his tea stall, CCTV cameras were installed. The, footage of the CCTV camera was retrieved, which revealed, that on 10.2.2018 at about 9.45 p.m. the applicant and the deceased were emerging out from the tea stall. Besides, on sifting of the CCTV footage at Borivali Railway Station, accused was seen on the Borivali Railway Platform in the wee hours of 12th February, 2018. The post-mortem report shows, the deceased died due to multiple injuries on the vital part of his body. On 23.2.2018, a knife was recovered from the room, where the applicant was living. Evidence on record, prima-facie, shows the complicity of the applicant in the subject crime. The offence under

Section 302 is punishable with imprisonment for life or death. Evidence also suggest that the applicant wanted to implicate Mr. Vinaykumar, the paramour of his wife and therefore he attempted to plant Identity Card of Vinaykumar on the body of deceased. The statement of applicant's wife corroborates the motive alleged by the prosecution. In view of the evidence, the Bail Application is rejected.

(SANDEEP K. SHINDE, J.)