

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

CRIMINAL BAIL APPLICATION NO. 2242 OF 2019

Raj Nagraj Arjun ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Sushan Kunjuraman, Advocate for the Applicant.
Ms. Rutuja Aambekar, A.P.P. for the Respondent-State.
Mr. Jayant Bujbal, I.O. - Dy. Superintendent, Arnala
Sagri Police Station.

CORAM : SANDEEP K. SHINDE, J.
DATE : 15th NOVEMBER 2019.

P.C.

1. Heard learned counsel for the applicant and learned A.P.P. for the Respondent - State.
2. Applicant is seeking release on bail in Crime No. I - 197 of 2018 registered with the Arnala Sagri Police Station, for the offences punishable under Sections 302, 201 read with Section 34 of Indian Penal Code, 1860.
3. On 27.07.2018, patrolling unit attached to

Arnala Sagri police station noticed at wee hrs. two persons riding Aactiva Scooter, were proceeding towards the Virar Gokul township at Nalasopara. Members of patrolling unit noticed moments of bike riders were suspicious. Unit chased the Aactiva Scooter but riders could manage to escape in dark, leaving scooter and bundle/baggage behind. Investigation unravelled dead body was wrapped in bundle. It is identified of a person, Yogesh Raut. Crime No. I - 197 / 2018 was registered on 27.07.2018 under Section 302, 201 read with Section 34 of Indian Penal Code, against unknown persons.

4. Prosecution impleaded four persons in crime. The applicant is an accused no. 1; Accused Nos. 3 and 4 are the persons, who were allegedly riding the motorcycle; accused no.2 is the wife of the deceased Yogesh Raut.

5. It is prosecution case, that the accused nos. 2 and 3 are the contract killers. This contract was

awarded by wife of the deceased in connivance with the present applicant. It is alleged that the applicant and accused no.2 had illicit relationship.

6. Learned counsel for the applicant has taken me through the charge-sheet and submits, there is no evidence at all against the applicant even to suggest his complicity in the alleged crime. He submits that the applicant was arrested on 27.07.2018 as a suspect. He submits that investigation is over and the trial is not likely to commence in the near future. He submits that the applicant shall always be available for the trial. He submits there are no criminal antecedents against the accused. He sought bail on these grounds.

7. Learned APP opposed the application, she submits that this is a case of circumstantial evidence. She relied on the statement of Sheetal Raut, a relative of the deceased. I have perused the statement. This witness states that the applicant and the wife of deceased had good relationship. She stated

nothing more than this. Learned APP has relied on memorandum panchanama of accused and the discovery of a bloodstained Screw Driver from the house of deceased. Learned APP contends that the accused strangled deceased in his house and inflicted injuries on his head by Screw Driver. This is how she connects recovery of Screw Driver at the instance of the present applicant. According to learned APP, it is incriminating circumstance against applicant. However, it is reported by the chemical analyzer that the bloodstains allegedly found on the Screw Driver (Exhibit-16) were inconclusive.

8. Except, two circumstances as pointed out by the learned APP, there is no material in the charge-sheet to suggest the complicity of the applicant in this crime. Applicant is in jail since 27.07.2018. He has no criminal antecedents. He has permanent residence at Nalasopara. It is possible to secure his presence by imposing conditions.

9. In view of the fact of the case, the application is allowed and applicant is directed to be released on bail on the following conditions :

ORDER

(i) The applicant be released on bail, on executing P.R. Bond in the sum of Rs.50,000/- in the one or more sureties in the like amount;

(ii) The applicant shall report to the Investigation Officer twice a month; on Monday of 1st week and Saturday of the last week, till the conclusion of the trial. In this month, he shall attend the Police Station on 21st November and 28th November, 2019;

(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 furnish particulars of

latest place of residence and mobile contact number 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 to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

10. The application is accordingly disposed of.

11. 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.

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

(SANDEEP. K. SHINDE, J.)