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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 2070 OF 2018**

Shivram Ganpat Dhore

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. Aniket Nikam i/b Mr. Vivek Arote advocate for the applicant
Mr. S. S. Hulke APP for the State

CORAM : NITIN W. SAMBRE, J.**DATE : JANUARY 24, 2019.****P.C.**

Applicant is seeking regular bail in Crime No. 32/2017 registered with Lonavala Gramin Police Station, Dist. Pune for offence punishable under sections 302, 201 r/w 34 of the Indian Penal Code. Applicant came to be arrested on 03/03/2017 in response to a missing report dated 12/02/2017.

2 The prosecution case appears to be that applicant was having differences with deceased Dinesh and as such applicant murdered

him with the aid of other co-accused.

3 The only piece of evidence available on record to connect the applicant to the crime in question is three Extra Judicial confessions, contents of which are contradictory to each other, particularly as regards the intention and the role of the applicant in the crime. The recovery of cloth does not confirm to having blood stains.

4 In view of the law laid down by the Apex Court in the matter of **Pakkirisamy Vs. State of T.N. [(1997) 8 Supreme Court Cases 158]** the Apex Court has observed thus:

8.it is well settled that the evidence of extra judicial confession is a weak type of evidence and ordinarily the court would be slow to accept such type of evidence. He therefore, urged that Ex. P8 be left out of consideration. We are unable to accept this broad proposition put forth on behalf of the appellant.

It is well settled that it is a rule of caution where court would

generally look for an independent reliable corroboration before placing any reliance upon such extra judicial confession.

It is no doubt true that extra judicial confession by its very nature rather a weak type of evidence and it is for this reason that a duty is cast upon the court to look for corroboration from other reliable evidence on record. Such evidence requires appreciation with a great deal of care and caution. If such an extrajudicial confession is surrounded by suspicious circumstances, needless to state that its credibility becomes doubtful and consequently it loses its importance. The same principle has been enunciated by this Court in Balvinder Singh Vs. State of Punjab, 1995 Suppl. (4) SCC 259. In the facts and circumstances of this case, we hold that the courts below committed no error in relying upon Ex. P-8 as the same is corroborated from several other proved circumstances.

5 As such confessional statements can be used only for the purpose of corroboration and cannot be treated as substantive piece of evidence to infer *prima facie* involvement.

6 In view of above, there is hardly any substantive evidence to

connect the applicant to the crime in question. That being so, case for regular bail is made out. Hence, following order:

(A) Applicant be released in Crime No. Crime No. 32/2017 registered with Lonavala Gramin Police Station, Dist. Pune on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(B) Applicant shall not influence witnesses or tamper with evidence.

(C) Applicant shall co-operate with the investigating agency.

7 Application stands disposed of.

[NITIN W. SAMBRE, J.]