

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2075 OF 2018

Vishal Laxman Talape ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Aniket Nikam with Vivek N.Arote for the applicant.

Smt.Rutuja Ambekar, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 27, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. After arrest on October 11, 2017 for murder of one Navnath in crime No.73/2017 for offence punishable under sections 302, 120B, 143, 144 and 149 of the Indian Penal Code, section 4(25) of the Arms Act and section 37(1) read with 135 of the Maharashtra Police Act registered with Talegaon MIDC police station, District Pune, the applicant is charge-sheeted.

3. The offence is based on circumstantial evidence.

4. The prosecution has relied upon the statements of witnesses recorded under section 164 of the Criminal Procedure Code, including extra judicial confession and also other circumstantial evidence.

5. Apart from the fact that blood stains found on the clothes of the applicant have been certified by the Forensic Science Laboratory as not that of the deceased, no incriminating material was seized from the applicant.

6. The applicant is behind bars for more than 18 months.

7. The fact remains that the brother-in-law of deceased Navnath, Pandurang Bhotre has not identified the applicant. In fact, he witnessed three persons who carried out the survey before execution of murder on September 24, 2017. So also the applicant is not identified in the identification parade.

8. In the aforesaid backdrop, *prima facie* involvement of the application is under cloud. In view thereof, a case for bail is made out. Hence the order :-

i) The applicant be released on bail in Crime No.73/2017 for offence punishable under sections 302, 120B, 143, 144 and 149 of the Indian Penal Code, section 4(25) of the Arms Act

and section 37(1) read with 135 of the Maharashtra Police Act registered with Talegaon MIDC police station, District Pune upon furnishing P.R. bond of Rs.25,000/- with one or more sureties in the like amount;

- ii) The applicant shall not influence the prosecution witnesses or tamper with the evidence;
- iii) The applicant shall stay away from the jurisdiction of Talegaon MIDC police station, District Thane till the framing of charge;
- iv) The application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)