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

CRIMINAL BAIL APPLICATION NO.2231 OF 2018

Babloo @Chhotu @Ram Avadh Suraj Din Verma	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.R.R.Singh, for the Applicant.

Ms.P.P.Shinde, A.P.P for the Respondent - State.

PSI – S.G.Khatal, Nizampura Police Station.

CORAM : REVATI MOHITE DERE, J.

DATE : 28th JUNE, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-23 of 2018 registered with the Nizampura Police Station, Thane, for the alleged offences punishable under Sections 457, 380, 460, 302, 201, 34 of the Indian Penal Code.

3. Perused the papers. According to the complainant – Shankar Singh, Manager in Ashoka Textiles, Bhiwandi, there were two security guards attached to their Company, one for day duty and the other for night duty. The complainant has alleged that on 29th January, 2018, at about 9.30 p.m., he left the company and that the night security guard – Gurudev Pandey (deceased) was on duty. He has stated that his employee – Avinash called him and informed him that when he opened the shutter on 30th January, 2018, at 9.30 a.m, Gurudev Pandey, was found to be dead, pursuant thereto, a complaint was lodged as aforesaid, as against unknown persons. During investigation, the applicant and co-accused – Rahul Singh were arrested. The prosecution case rests on circumstantial evidence. The statement of Mohammad Shakeel Salim Ansari and Mudassir Khurshid Mohammed Ansari, shows that co-accused – Rahul had disclosed to them, that he and the present applicant had entered the Companies premises to commit theft and since the watchman had resisted they assaulted him with a iron rod and committed theft. The said disclosure is an extra-judicial-confession. There is recovery of blood stained clothes, at the instance of the applicant. The C.A. Report shows that the blood stains were human blood, although, the blood group is inconclusive.

4. Considering the nature of allegations, as against the applicant, this is not a fit case to enlarge the applicant on bail.

5. Accordingly, the application for bail is rejected and disposed of as such. However, the trial of the applicant is expedited.

6. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.