

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

CRIMINAL BAIL APPLICATION NO.2253 OF 2018

Kamlesh Jagguprasad Gupta

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....
Mr.S.V. Marwadi a/w. Mr.N.M. Nadar, Advocate for the Applicant.
Mrs.G.P. Mulekar, APP for Respondent – State.
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CORAM : PRAKASH D. NAIK, J.

DATE : JANUARY 28, 2019.

P.C.

This is an application for bail in connection with C.R.No.162 of 2018, registered with Waliv Police Station, Vasai, District-Palghar, for the offences punishable under Sections 302, 201, 120-B, 181, 193 read with 34 of Indian Penal Code ("IPC:", for short). First Information Report ("FIR", for short) on 25th February, 2018. Applicant was arrested on the same day.

2 The prosecution case is that, Accused no.1 is the wife of deceased. Applicant is accused no.2, who was the husband of stepsister of deceased. Accused were having illicit relationship. Deceased came to know about it. There were quarrels between them. They hatched a conspiracy to commit murder of the

deceased. During the night of 15th and 16th February, 2018, the victim was killed. Accused no.1 had given wrong information about the victim to the police in order to cause disappearance of the of evidence. The dead body of the deceased was sent for postmortem. Medical officer opined that the cause of death of deceased is due to asphyxia with evidence of ligature and contusion at neck with multiple underscalp contusion.

2 Investigation is completed and charge-sheet is filed. There is no eye witnesses to the incident. Prosecution relied upon the circumstance that there is illicit relationship between the accused and therefore the victim who was the husband of the accused no.1, was liquidated. Learned counsel for the applicant submitted that there is no evidence to show the involvement of the applicant and there is no recovery or any other strong circumstance to show the complicity of the applicant in the crime, not even last seen together. Learned APP, on instructions, submitted that the CDR Report of the applicant was verified and it was not found that at the time of alleged incident, the applicant was in the area of Nalasopara, where the deceased was killed. The applicant is in custody from the date of arrest. Taking into consideration the aforesaid, factual aspects, case for grant of bail is made out.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Criminal Bail Application No.2253 of 2018, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.162 of 2018, registered with Waliv Police Station, Vasai, District-Palghar, for on his furnishing P.R.Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall attend Waliv Police Station, Vasai, District-Palghar, Police Station, once in a month on first Saturday between 11:00 to 1:00 p.m., till further order;
- (iv) Applicant is permitted to furnish cash security of Rs.25,000/-, in lieu of surety, for a period of six weeks;
- (v) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)