

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2827 OF 2018

Mr.Vilas Kisan Urade	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr.Niranjan S.Mundargi I/b Mr.Gaurav Thote, for the Applicant.
Mrs.G.P.Mule, APP for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 27th FEBRUARY, 2019

P.C. :

. This is an application for bail in connection with C.R. No. I-49 of 2018 registered with Manor police station, Palghar for the offences punishable under sections 302 of I.P.C. The First Information report was lodged on 20/04/2018.

2. The case of the prosecution is that on 13/03/2018 at about 4.45 p.m., police received an information about body of woman floating in decomposed position found in nala in a

jungle at Mauja Wada. The police verified the place. Subsequently, the identity of the deceased was disclosed and found to be of a woman namely Meena Sunil Fesarda. The investigation proceeded and charge-sheet was filed. The applicant was arrested on 20/04/2018. The case is based on circumstantial evidence. There is no eye witness to the incident. The cause of death as reflected in Post-Mortem report indicated by Doctor is Asphyxia leading to cardio respiratory failure. The prosecution is also relying upon the statement of father of the deceased which was recorded on 21/04/2018 in which he has stated that the applicant who is cousin of the deceased had informed him that conduct of the applicant is not good and because of her behaviour, the entire family suffers humiliation. Statement of two witnesses state that the applicant was last seen in company of deceased.

3. Learned Counsel for the applicant submitted that the motive attributed to the applicant is about objectionable behaviour of the deceased. There is no strong evidence to show

complicity of the applicant. Statement of the witnesses were recorded belatedly.

4. Learned APP submitted that deceased had died on account of strangulation. There are statements of the witnesses who had last seen the applicant in company of the deceased.

5. I have perused the First Information Report and the other documents. Admittedly, there is no eye witness to the incident. The dead body of the deceased was found in nalla. The prosecution relies on the statements of the three witnesses. They have stated that the applicant was last seen in the company of the deceased. The said statements were recorded after one month from the date of the incident. The dead body of the deceased was found on 13/03/2018 and the statements were recorded in 13th and 14th April 2018. The only motive attributed to the applicant is about conduct of the deceased. There is no cogent evidence to show the involvement of the applicant in the crime. The applicant is in custody from

20/04/2018. There are no criminal antecedents. In the circumstances, case for grant of bail is made out. Hence, the following order.

ORDER

- (i) The Bail Application is allowed and disposed off.
- (ii) The applicant is directed to be released on bail in connection with C.R. No. I-49 of 2018 registered with Manor Police Station, Palghar on his furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall report to the concerned police station once in a month on first Saturday of the month between 11.00 a.m. to 1.00 p.m. till further orders.
- (iv) The applicant shall not tamper with evidence and shall attend the trial Court proceedings regularly on the date of hearing, unless exempted by the trial Court.

(PRAKASH D. NAIK, J.)