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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3039 OF 2018**

Ramesh Shankar Mengade

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. Sunny Punamiya i/b SSP Legal & Co. advocate for the applicant
Ms. S. S. Kaushik APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 29, 2019.

P.C.

Applicant is seeking regular bail in Crime No. 97/2018 registered with Mangao Police Station, Dist. Raigad for offence punishable under Sections 302, 392, 450, 120(B), 203, 177 r/w 34 of the Indian Penal Code. Applicant is arrested on 07/06/2018.

2 The prosecution story is the conduct of deceased Aruna was not to the satisfaction of the applicant and to have their share in the property of Aruna, prosecution has alleged conspiracy and murder of said Aruna.

3 In the aforesaid background, the learned counsel for the applicant submits that after arrest on 07/06/2018, prosecution has claimed to have recovered ornaments and other cash, however, according to him, important aspect of the matter which needs appreciation is applicant himself is the complainant and in the complaint he has disclosed about the custody of ornaments and cash of deceased with the applicant. According to the learned counsel for the applicant, the case is based on circumstantial evidence and nothing incriminating could be noticed in the investigation against the applicant. According to him, co-accused Surekha is already ordered to be released on regular bail. The learned counsel for the applicant has also raised a plea of *aliby*.

4 The learned APP submits that there is sufficient material to infer that the applicant is involved in the crime in question. From the record, she would try to demonstrate the satisfaction of the ingredients of Section 203, 302 of the Indian Penal Code.

5 The fact remains that the conduct of the applicant as is reflected in the order of the of he Trial Court is based on material investigation carried out as is reflected in the charge-sheet.

6 Even though applicant is custodian of the jewellery and cash of deceased Aruna and there is variance in disclosure and seizure, still the same cannot found to be basis for ordering release at this stage.

7 Apart from above, the allegation against qua the offence under section 203 of Indian Penal Code *prima facie* appears out of the regard and as such same are sufficient to infer the involvement of the applicant in the crime in question.

8 In the aforesaid background, keeping an option open to the applicant to approach afresh before the Sessions Court after the receipt of the report of the Chemical Analyser, application stands rejected. The submission of the report of the Chemical Analyzer is expedited.

[NITIN W. SAMBRE, J.]