

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

BAIL APPLICATION NO.370 OF 2020

Amol Baburao Pol ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Ms. Jai Kanade i/by Mr. S.P.Chaudhary with Ms. Kishori Tribhuvan with Mr. Rahul Shirgaukar for the Applicant.
Mr.S.S.Pednekar , APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : 11th MARCH, 2020

P.C. :

Heard.

2 The applicant is seeking his enlargement on bail in Crime No.99 of 2017 registered with Karad Police Station for the offences punishable under Sections 302, 452 and 201 of the Indian Penal Code, 1860 ('**IPC**' for short). I have perused the final report.

3 It is alleged that the applicant was in the company of the deceased on 10th February, 2017 at

2020.odt

19.40 hours. In support of his contention, prosecution has relied on statement of bar owner and a waiter. However, it may be stated that the post-mortem was conducted on 11th February, 2017 between 20.00-21.00 hours and the surgeon had reported approximate time of death was less than 6 hours before conducting the post-mortem. Therefore, prima-facie, it is to be held that the deceased died approximately between 13.00 to 14.00 hours on 11th February, 2017. In the back-drop of this material on record, prosecution could not, prima-facie, show that the applicant was in the company of the deceased since 19.40 hours of 10th February, 2017 during his approximate time of death.

4 Investigation in this case is over. Applicant is in jail since 12th February, 2017. Trial in this case is not likely to commence or conclude in near future. However, his presence can be secured by imposing

suitable conditions. Hence, the following order:

ORDER

- (i) The applicant be enlarged on bail in Crime No.99 of 2017 registered with Karad City police station, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first and fourth Monday of every month commencing from April, 2020 between 11:00 a.m. to 1:00 noon till the charge is framed;
- (iii) The applicant shall inform his latest place of residence and contact number and/or change of residence or contact details, if any, from time to time to the Investigating Officer of the concerned Police Station within seven days from the date of his release from jail;
- (iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

5 The application is accordingly disposed off.

6 It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)