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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1970 OF 2019**

Ramesh Shankar Mengade

.... Applicant.

V/s

State of Maharashtra

..... Respondent.

Mr. Manoj Mohite i/b Mr. Tapan Thatte for the Applicant.

Mr. S.V. Gawand, APP for the State.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 6, 2020

P.C.:-

1] In Crime No.97 of 2018 registered for the offences punishable under Sections 302, 392, 450, 120-B, 203, 177 and 34 of IPC, Applicant came to be arrested alongwith his wife on 7th June, 2018.

2] Allegation against the Applicant is, Applicant has murdered his sister-in-law Aruna, who was working as health worker and had taken away cash and ornaments.

3] The co-accused Surekha is already released on bail.

4] This Court rejected Bail Application of the Applicant on 29/01/2019 as Applicant was found to be the custodian of jewellery and cash of the deceased and the report of Chemical Analyser was awaited.

5] Applicant thereafter moved the Sessions Court as report of Chemical Analyser was not produced. However, Court again rejected his prayer for bail on 9/5/2019. As such, this Application.

6] Heard Mr. Mohite, learned Counsel for the Applicant and Mr. Gawand, learned APP for the State.

7] The case of the prosecution is based on circumstantial evidence. The nature of allegations against the Applicant are similar to that of co-accused Surekha who has been already released on regular bail and against whom no proceedings for cancellation are taken out.

8] During the course of hearing of the present Application, prosecution has produced report of Chemical Analyser perusal of which does not depict any prima facie incriminating evidence against

the Applicant so as to pinpoint his involvement in the crime in question.

9] The only evidence which points suspicion against the Applicant of his involvement in the crime is recovery of cash and ornaments and one of the ornaments contains thread of gown which was on the body of the deceased at the time of her death. As far as recovery of ornaments and cash is concerned, it has come on record that whenever deceased Aruna used to leave her place of residence, she used to handover same to the accused person i.e. Surekha who was her real sister. Apart from above, it has also come on record that deceased Aruna was bearing expenses towards education of the children of the accused persons.

10] As far as other evidence on record is concerned, the dog squad which was called at the spot of incident had not concluded any prima facie involvement of the present Applicant. Apart from above, though the story of the prosecution is of opening of steel gate which was locked based on the recovery of key at the instance of co-accused Surekha, neither lock which was used for locking the said door was

recovered nor any other incriminating material viz. whether Applicant could have entered from window of bathroom is investigated into. As such, the only incriminating material that thread of the gown being found on the ornament will not be sufficient evidence to order further detention of the Applicant.

11] In this view of the matter, Applicant is directed to be released on bail on P.R. Bond of Rs 25000/- with one or two sureties in the like amount.

12] Applicant shall not try to influence the witnesses or tamper with the evidence.

13] Two consecutive absence of the Applicant before the Court below would entail the prosecution to move for cancellation of bail of the Applicant.

(NITIN W. SAMBRE, J.)