

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2033 OF 2019

Pramod Madansing RajputApplicant

v/s.

The State of MaharashtraRespondent

Mr. S.G. Rajput, Advocate for the applicant.

Mrs. J.S. Lohakare, APP for the State.

CORAM : SANDEEP K. SHINDE, J.***20th February, 2020.*****P.C. :**

1. Heard.
2. The applicant is seeking his enlargement on bail in Crime No.I-538/2017 registered with Kolsewadi Police Station, for the offences punishable under Sections 302, 201, 120B read with Section 34 of the Indian Penal Code.
3. It is prosecution's case that on 10th

November, 2017 a dead body in decomposed state was found and subsequently the accidental death inquiry was held on 15th November, 2017. It was identified as the dead body of Mayur. Thereafter, on 18th November, 2017 complaint was lodged by brother of Mayur whereupon the applicant and co-accused Gokul came to be arrested in November, 2017.

4. The investigation is over and the final report has been filed. I have perused the final report.

5. The only evidence against the applicant is the exchange of messages on Whatsapp between the applicant and the co-accused. Though the learned APP has relied on the statement of, Mrunal to demonstrate, that on the date of the incident, the applicant was in the company of the deceased with the co-accused, however, after reading her statement it appears Mrunal had talked with the deceased on telephone, the night before his alleged murder, who then told and/or suggested to Mrunal, the presence of the applicant. It may

be stated that, Call Detail Records of Mrunal have not been collected to establish the call made by her to deceased, Mayur on 8th November, 2017. Therefore, barring the statement of Mrunal and the exchange of messages with the co-accused, prima-facie, there is no material to suggest the complicity of the applicant in the present crime. The learned APP has also relied on the statement of the father of the deceased. I have gone through the same. Further, his statement also does not prima-facie indicates his involvement in the subject crime. The offence alleged is punishable with life and/or death. However, in view of the evidence collected by the State, which prima-facie does not disclose the applicant's complicity and additionally that the trial is not likely to conclude in the near future, the applicant is directed to be released on bail who is arrested in C.R. No. No.I-538/2017 registered with Kolsewadi Police Station on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like sum.

4. The Applicant shall report to the

concerned Investigating Officer as and when called.

5. The applicant shall report to the Investigating Officer on first Monday of every month till the charge is framed.

6. The applicant shall furnish the particulars of his place of residence and contact details to the Investigating Officer of the Police Station concerned within seven days from today.

7. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

8. It is made clear that observations made hereinabove shall 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.)