

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2304 OF 2019

Vishal @ Alya Arun Walhekar, Age 24 years,
Occ.Business, R/o.Mangde Wadi,
Mangde Chawl, Katraj, Pune
(Presently lodged in Prison)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Kishan Chaudhari for applicant.
Smt.A.A.Takalkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th February 2020

PC :

1. The applicant is seeking bail in CR No.142 of 2016 registered with Kondhwa Police Station for offences under Sections 302, 143, 147, 148, 149 of Indian Penal Code.

2. The prosecution case is that the deceased was employee of applicant's father. There was an affair between the deceased and the applicant's sister, which was objected by the applicant as well as his father. On 20th February 2016 the FIR was lodged against deceased about kidnapping sister of applicant. The present FIR was lodged on 20th April 2016 against unknown persons. The dead body of the deceased was found. The applicant was arrested on 22nd April 2016. The statements of witnesses were recorded. On completing investigation charge sheet was filed.

3. The entire case is based on circumstantial evidence. There is no eye witness to the incident. The motive attributed to the applicant is that the deceased had an affair with the applicant's sister which was opposed by applicant and his family. The statement of Dada Gadhve was recorded on 22nd April 2016. He has stated that the applicant had earlier threatened the deceased. The statement of applicant's sister was also recorded in which she has referred to her love affair with deceased. Thus, the statements of witnesses recorded during the course of investigation refer to the motive that can be attributed to the applicant for committing the crime. There is no recovery of weapon from the applicant. The clothes were recovered which were allegedly having blood stains, however, there is no report corroborating the prosecution case. It is also alleged that there was CDR record, however, nothing is produced to substantiate that CDR is incriminating against applicant. Undisputedly there is no eye witness and nobody has seen the crime in vicinity. The applicant was arrested on suspicion. He is in custody for a period of about three and half years. Learned counsel for applicant fairly submitted that one case is registered against the applicant u/s 395 of IPC and he is on bail.

4. Considering above facts, case for grant of bail is made out. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.2304 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.142 of 2016 registered at Kondhwa Police Station, Pune,

on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall report Kondhwa Police Station, Pune once a month on every first Saturday between 11 am and 1 pm till further orders;

(iv) The applicant shall not tamper with evidence;

(v) The applicant shall attend Trial Court proceedings regularly, unless exempted by the Trial Court for some reason.

(PRAKASH D. NAIK, J.)

MST