

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

BAIL APPLICATION NO.2487 OF 2019

Vikas Alias Circuit Suresh Pared ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. Ganesh Gole i/by Mr. Ateet Shirodkar for the Applicant.
Ms. P.P.Shinde , APP for the Respondent-State.
API D.R.Londe attached to Kashimira Police Station present.

CORAM : SANDEEP K. SHINDE J.
DATE : 27th JANUARY, 2020

P.C. :

Heard.

2 Prosecution case rests on circumstantial evidence. On 17th October, 2018 Rajendra (Deceased) was found in injured condition. He was removed to the hospital where he succumbed to the head injury on 28th October, 2018. Subsequently, accidental death enquiry under Section 174 of the Code of Criminal Procedure, 1973 was

held. Thereafter, on 1st December, 2018, FIR was registered by the constable under Sections 302, 397 read with Section 34 of the Indian Penal Code, 1860.

3 It is prosecution's case that deceased was using 'Samsung' mobile and it was found in the possession of one Adarsh Yadav. When enquired with Mr. Yadav, he told police that he had purchased it from one Shivankur Uparkar. When enquired with Uparkar, he told police that this mobile was purchased by him from applicant. Except, the statement of Uparkar, there is no other evidence on record brought to my notice to connect the applicant to the subject crime.

4 The learned APP, however, submits that the Call Detail Records show, the applicant was in vicinity where the deceased was found in injured condition. Mr. Gole, the learned counsel for the applicant, submits that the applicant is residing in the vicinity where the deceased was found in injured condition and, therefore, this circumstance is not incriminating in nature.

5 In view of the facts of the case and the evidence on record and additionally that the investigation is over and final report is filed, in my view, applicant is entitled to be released on bail. It may also be stated that no criminal antecedents of the applicant are pointed out. Trial is not likely to commence or conclude in near future. However, the applicant's presence for the trial can be secured by imposing suitable conditions. Hence, the following order:

ORDER

(i) The applicant be enlarged on bail in Crime No.I-752 of 2018 registered with Kashimira Police Station, Thane on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the Investigating Officer twice a month, i.e., on 3th and 17th day of each calendar month commencing from February, 2020 between 11 a.m. to 1 noon and shall continue to report till the charge is framed;

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

6 The application is accordingly disposed of.

7 It is made clear that observations made here-in-above 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.)