

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

**CRIMINAL BAIL APPLICATION NO.3240 OF 2019**

Shivshankar Balasaheb More .....Applicant

V/s.

The State of Maharashtra .....Respondent

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Mr. Umesh H. Pawar, for the Applicant.

Mr. S. H. Yadav, APP for the Respondent- State.

**CORAM : PRAKASH D. NAIK, J.**

**DATE : 24<sup>th</sup> February, 2020**

**P.C.:**

1. This is an application for bail under Section 439 of Cr.P.C. The applicant is arrested in connection with C.R.No.1281 of 2017 registered with Chakan Police Station, Tal- Pune District- Pune, for offences punishable under Sections 302, 404, 397 r/w 34 of Indian Penal Code.

2. The applicant was arrested on 16<sup>th</sup> January 2018. The incriminating circumstance according to the prosecution against the applicant is that, there is recovery of cash of Rs.2500/- from the applicant. There is also recovery of blood stained pant from the applicant. Charge sheet does not contain the C.A Report with

regards to the blood stains on the pant of the applicant. It is also alleged that the statement of the witnesses mentions that, the victim was having cash of Rs.2500/-.

3. Learned counsel for the applicant submitted that the applicant is in custody from the date of arrest. Further detention of the applicant is not necessary. The recovery of cash cannot be linked with the crime. The co-accused Kiran Bandavne has been granted bail by this court by order dated 26<sup>th</sup> November 2018. The FIR was lodged against unknown persons. There is no test identification parade. The only evidence against the applicant is that, there is recovery of cash of Rs.2500/- and pant used during the commission of alleged crime. The co-accused from whom the silver chain was recovered has been granted bail by this Court by order dated 26<sup>th</sup> November 2018.

4. In view of the aforesaid circumstances, case for grant of bail is made out.

### **ORDER**

(i) Bail Application No.3240 of 2019 is allowed.

(ii) The applicant is directed to be released on bail in connection with C.R.No.1281 of 2017, registered with Chakan

Police Station, Tal- Pune District- Pune on furnishing P.R bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) The applicant shall report concerned police station once in a month on every first Saturday between 11:00 a.m. to 1.00 p.m. till further order.

(iv) Bail Application stands disposed of.

**( PRAKASH D. NAIK, J.)**