

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

CRIMINAL BAIL APPLICATION NO. 3469 OF 2019

Parmeshwar Subraman (Harijan)

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Satyaram R. Gaud, Advocate for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 13th MARCH, 2020.

PC :

1. This is an application for bail in connection with C.R. No. 104 of 2018, registered with Sewree Police Station, Mumbai for offences punishable under Sections 302, 34 of Indian Penal Code, 1860 ('IPC' for short). The First Information Report was registered on 27th July, 2018.

2. Perused the papers. The alleged incident had occurred on 25th June, 2018. The first informant received information that his sister-in-law Mulvi is lying in unconscious condition. The informant went to the spot. The victim was taken to hospital by her sister, her son and friend. The informant enquired with sister of victim, she told him that victim Mulvi had fallen on road and injured. The victim was declared dead. The applicant is brother-in-law of deceased- Mulvi and the co-accused is her sister. It is alleged by the prosecution that there used to be frequent quarrels between deceased, her sister and

brother-in-law (applicant) as the deceased was having an affair, after the demise of her husband and she had borrowed money from several persons. The prosecution case rests entirely on circumstantial evidence. Although the incident is dated 25th June, 2018, the FIR was lodged on 27th June, 2018. It appears that deceased- Mulvi was taken to hospital by the co-accused and it was stated to doctor that Mulvi had fallen on the road and had sustained injuries. The statement of Siddique Shaikh recorded on 24th August, 2018 shows that he had seen the co-accused going through the lane in the direction of Mulvi's (deceased) house. There is no other material. The applicant is in custody since August, 2018. Investigation is completed and charge-sheet is filed.

3. The entire case is based on circumstantial evidence. There is no eye witness to the incident. The only evidence against the applicant is recovery of weapon. There is no other incriminating circumstance to corroborate the involvement of the applicant. He is arrested on 3rd August, 2018. The First Information Report ('FIR' for short) was lodged after period of about 32 days. The motive for committing the crime is that, the deceased was having affair.

4. Co-accused who is the sister of deceased, was also arrested and she has been granted bail by this Court vide Order dated 5th September, 2019 passed in Bail Application No. 400 of

2019.

5. Considering the nature of evidence, further detention of the applicant, is not called for and case for grant of bail is made out.

6. Hence, I pass the following Order:

ORDER

- i) Bail Application No. 3469 of 2019, is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 104 of 2018 with Sewree Police Station, Mumbai on furnishing PR. bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) 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 am. to 1.00 pm. till further order.
- iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)