

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

CRIMINAL BAIL APPLICATION NO. 3620 OF 2019

Mayur Tanaji Hajare

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Niranjan Mundargi i/b. Vaibhav R. Gaikwad, Advocate for the Applicant.

Smt. A. A. Takalkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 25th February, 2020

PC :

1. The applicant was arrested on 21st April, 2019 in connection with C.R. No. 249 of 2019, registered with Shikrapur Police Station, Pune for the offences punishable under Sections 302, 364, 201 r/w. 34 of Indian Penal Code, 1860 ('IPC' for short). First Information Report ('FIR' for short) was lodged against unknown person on 17.04.2019. Dead body was found at Pabal Village Bharude road, Shirur. Investigation proceeded. Statement of witnesses were recorded. Some of the statement indicates that, the deceased was last seen in the company of co-accused. As far as the applicant is concerned, prosecution is relying upon the recovery of stick and CDR.

2. Learned counsel for the applicant submitted that, there is no cogent evidence to establish involvement of the applicant in the crime. There are no criminal antecedents against the applicant. There is no strong evidence to show that the applicant was present at the scene of offence. Recovery of stick and CDR are not strong enough to involve the applicant in the offence.

3. Learned APP submitted that the the case is based on circumstantial evidence. There is no eye witness to the incident. Stick used in the commission of crime is recovered from the applicant. The CDR indicate that on the date of incident, there are calls between the applicant and accused No. 3. It is submitted that there was no tower near the scene of offence. However, tower location is situated about 2 k.m. from the place of incident. The cellphone of applicant indicate presence of said location. It is, however, submitted on instructions that, at the time when the applicant was allegedly present at the spot as stated above, through tower location, the tower location of co-accused do not show that they were at same place.

4. On perusal of the charge-sheet, it appears that, there are some statement of witnesses which indicates that, the deceased was seen in the company of two accused. However, the evidence against

the applicant is recovery of stick and CDR. The circumstances would not be sufficient to further detain the applicant in crime, as there is no strong evidence to determine the complicity of the applicant in the crime. Investigation is completed and charge-sheet is filed.

5. Hence, I pass the following Order:

ORDER

- i) Bail Application No. 3620 of 2019, is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 249 of 2019, registered with Shikrapur Police Station, Pune on furnishing P.R. bond in the sum of Rs. 25,000/- (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.)