

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

BAIL APPLICATION NO. 1120 OF 2021

Saipan @ Gutlya Imam Bobade**Applicant**

V/s.

The State of Maharashtra**Respondent**

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Mr. Ujwal R. Agandsurve, Advocate for the applicant.

Ms. Veera Shinde, APP for State.

CORAM : SANDEEP K. SHINDE, J.

Monday, 5th April, 2021.

P.C. :

1. Heard learned Counsel for the appellant and learned APP for State.

2. Applicant seeks his enlargement on bail in connection with Crime No. 352/2020 registered with Akkalkot North Police Station, for the offences punishable under Sections 302, 201, 120B, 143, 147, 148 and 149 of the Indian Penal Code. Complainant is brother of deceased, Mallapa Nagappa Sungar. Both were living in the same village. On 4th October, 2020

missing complaint was lodged by the wife of the deceased. At that time, complainant and mother-in-law of the deceased had accompanied her. On 9th October, 2020 dead body of the deceased was found in the riverbed allegedly dumped into a sack. The body was identified by the deceased's wife and other relatives. Post-mortem report shows, deceased had suffered grievous injuries. Cause of death reported is skull fracture, ribs and fracture of femur bone. In column no.17, eight injuries have been reported including occipital bone fracture. Medical Officer opined, death had occurred 7-10 days before 9th October, 2020. Three days after lodging the complaint against the unknown person, a supplementary statement of complainant was recorded on 13th October, 2020, wherein he alleged, the applicant had illicit relationship with the wife of his deceased's brother. He further alleged that, when deceased learnt about such relationship, he was beating his wife. It is further alleged that, wife of the deceased had conspired with the co-accused to eliminate the deceased. Also alleged that, wife of the deceased (Laxmi, accused no.6) had agreed to pay Rs.50,000/- to the accused for eliminating the husband.

3. The wife of the deceased is accused no.6. Investigation in the case is over and final report has been filed.

4. Learned Counsel for the applicant, has taken me through the statements of witnesses. I have perused the same. Statements of witnesses indicates that, neither of them had witnessed the actual incident. Thus, these statements were a hear-say. Counsel for the applicant, therefore submits that, there is no evidence at all to connect the applicant to the alleged crime. It is therefore submitted, the applicant be granted bail by imposing conditions so as to secure his presence for trial.

5. Learned APP has relied on the statement of co-accused, Sanjay Kumar Rathod. Barring this, she could not point, out any material from the chargesheet to suggest applicant's complicity in the subject crime.

6. In consideration of the facts of the case and for the reasons stated above, the applicant is directed to be released on bail. Application is granted on the following terms :

O R D E R

(i) The applicant arrested in Crime No. 352/2020 registered at Akkalkot North Police Station, Solapur, shall be released on bail on executing P.R. bond for the sum of Rs.30,000/- (Rs. Thirty Thousand only) with one or more sureties in the like sum.

(ii) The applicant shall report to the Investigating Officer twice a month i.e. third and fourth Monday of each month between 11:00 to 1:00 p.m. commencing from April, 2021 till the charge is framed and co-operate in the investigation.

(iii) The applicant shall furnish his permanent residential address and contact number to the Investigating Officer forthwith within a week of his release from jail.

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

7. The application is accordingly allowed and disposed off.

8. It is made clear that, observations made hereinabove, shall be construed as expression of opinion for the purpose of granting bail only and the same shall not, in any way, influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)