

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

CRIMINAL BAIL APPLICATION NO.107 OF 2021

Majidul Jalaluddin Mandal ... Applicant

Versus

The State of Maharashtra ... Respondent

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Adv. Amin Solkar a/w Adv. Misbaah Solkar, for the Applicant.
Mrs. M. R. Tidke, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 20th JANUARY, 2021.

PER COURT:

1. This is an application for bail in C.R. No. I-243 of 2018 registered with Manpada Police Station, Thane for offences under Sections 302 & 201 of Indian Penal Code. The applicant was arrested on 28th March, 2019.

Manish
S. Thatte

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2. The prosecution case is that, the victim was live in relationship with the applicant and they were residing together at Dombivali. The wife of the applicant had left for Dubai. The victim was indulging in prostitution activity. She used to call the customers in the premises which was occupied by her and the applicant. On that count there used to be quarrels between them. The victim was strangulated by the accused and he left the premises. FIR was lodged

on 2nd May, 2018.

3. Learned counsel for the applicant submitted that there is no eye witness to the incidents. There is no incriminating recovery from the applicant. It is submitted that investigation is completed and the charge-sheet is filed. The other person had access to the room premises where the body of deceased was found. It is submitted that the victim used to call the customers to the premises which is evident from the statements of the witnesses which is recorded during the course of investigation. Merely on the ground that applicant was not available for a period of one year could not be the circumstance to show his complicity in the crime, in the absence of cogent evidence.

4. Learned APP submitted that, undisputedly the applicant and victim were residing together. He had knowledge about the incident and he has to explain how she died. The fact that he absconded is incriminating circumstances against him. The mobile phone of the deceased was recovered from the brother of the wife of applicant. There were quarrels between applicant. Key of house is recovered from applicant. Thus, there is evidence showing involvement of the applicant in the crime.

5. On perusal of the documents on record it is apparent

that the victim and the applicant were residing together. The statement also indicate that the victim had indulged in prostitution activity and she used to call the customers to the premises. This was allegedly the cause of quarrels between the applicant and deceased. Other persons had access to premises. There is no direct evidence. There is no eye witness to the incident. Prima facie there are no strong circumstances to continue further detention of the applicant, bail can be granted on stringent conditions.

ORDER

- (i) Bail Application No.107 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. I-243 of 2019 registered with Manpada Police Station, Thane on executing PR. Bond in the sum of Rs.30,000/- with one or more local sureties in the like amount;
- (iii) The applicant shall furnish the details of his place of residence to the Investigating Officer after he is released on bail;
- (iv) The applicant shall not leave State of Maharashtra without permission of the trial Court.
- (v) Application stands disposed of accordingly.

6. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)