

CRIMINAL BAIL APPLICATION NO. 876 OF 2021

....APPLICANT

V/s.

.....RESPONDENT

Mr. Ashok Kumar Dubey i/b Savj Law Solutions for the applicant
Ms. A. A. Takalkar APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: 12th OCTOBER, 2021.

P.C.:

- 1] Applicant is seeking regular bail after having suffered arrest on 12/12/2019 in C.R. No. 581/2019 registered with Bhiwandi City Police Station for offence punishable under Sections 302, 307, 397 120 (B) r/w 34 of the Indian Penal Code.
- 2] Applicant is already charge-sheeted.

3] The submissions are, F.I.R. or other documentary evidence does not speak of applicant's direct involvement in the commission of crime particularly the one which is punishable with life or death. The learned counsel would urge that cause of death of Kashinath who used to stay with complainant Anusaya is not attributed to the applicant. He would further claim that provisions of conspiracy even if are invoked against the applicant, there is no material to infer anything against the applicant as there is no seizure.

4] Prosecution case is, co-accused approached the complainant Anusaya, offered her alcohol and then assaulted her and Kashinath with grinding stone and stolen the jewellery and cash. In the complaint lodged by Anusaya, she has referred to presence of only one unknown accused and not the number of persons which include the applicant. Even in the supplementary statement also, name of the applicant is referred only to the extent of she having heard recovery of part of the jewellery from the applicant which does not appear to be the correct position. As far as recovery is concerned, from other two co-accused, jewellery stolen from the custody of the

complainant was recovered in addition to blood stained clothes. Same is not the case with present applicant. Though the applicant was identified by the complainant and in second supplementary statement so also in the statement of Rani and Peer Mohammad which is recorded under Section 164 of Code of Criminal Procedure, 1973, applicant was seen present at the place of offence, there is hardly any material to infer that applicant has actively participated in the commission of crime with any specific role.

5] Though there are antecedents, those appear to be of 2017 and not of recent past. Same are not in relation to serious offence of murder.

6] In the aforesaid background, case for grant of bail is made out.

(i) Applicant be released on bail in C.R. No. 581/2019 registered with Bhiwandi City Police Station for offence punishable under Sections 302, 307, 397 120 (B) r/w 34 of the Indian Penal Code upon furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in

the like amount.

(ii) Applicant shall neither influence witnesses in any manner nor tamper with evidence.

(iii) Applicant shall attend the Investigating Officer on 16/10/2021, 18/10/2021 and 20/10/2021 between 10.00 a.m. to 12.00 noon and thereafter as and when directed.

(iv) Applicant shall furnish contact number and permanent place of stay with the Investigating Officer at the time of executing bond.

(v) Considering the criminal antecedents, applicant is directed to stay away from the jurisdiction of concerned police station till the conclusion of trial.

7] Application stands disposed of.

[NITIN W. SAMBRE, J.]