

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 837 OF 2019**

Dharamveer Birendra Singh

..Applicant

v/s.

The State of Maharashtra

..Respondent

Ms. Janaki Ravi i/b. Subhash Hulyalkar for the Applicant.

Mr. S.V.Gavand, APP for the Respondent-State.

Mr. Ankush Khedkar, PI. (Crime) Panvel Taluka, Post Thane present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 4th AUGUST, 2021.**

P.C.

1. This is an application under Section 439 of Cr. P.C. filed by the aforesaid Applicant, who is facing trial in Sessions Case No. 411 of 2019 pending before the Sessions Court at Panvel for offences punishable under Section 302, 201 r/w. 34 of the Indian Penal Code and Section 3, 25, 30 of Indian Arms Act.

2. The said case arises from Crime No. 74 of 2018 registered with Panvel Taluka Police Station, Raigad Navi Mumbai, pursuant to the FIR lodged by the Police Patil - Mahadev Nathu Jadhav. The case of the prosecution in brief is that, the accused No.1 was having illicit relationship with the wife of deceased Omkar Arane. It is alleged that deceased Omkar had seen the photographs of Accused no.1 and

his wife on the mobile phone of Accused no.1 and that he was extorting money from the Accused No.1. The Accused No.1 had allegedly hatched a plan to eliminate deceased Omkar. Accordingly, on 27.04.2018, accused No.1 told Omkar to accompany him to Goa under the pretext of giving him a job. On 28.4.2018, the Police Patil of village Dehrang had found a dead body at Dehrang. Hence he reported the matter to Panvel Police Station. Since said Omkar had not returned, his wife lodged a missing report on 04.05.2018. The body was identified as that of Omkar.

3. The postmortem report revealed that the cause of death of Omkar was due to fire arm injuries. It is the case of the Prosecution that the Applicant, who was the bodyguard of the Accused No.1 had in fact fired the gun shot at Omkar. The only incriminating circumstance against the Applicant is that some bloodstained clothes were recovered at the instance of the Applicant, pursuant to the disclosure statement made by the Applicant. It is to be noted that the CA report indicates that no human blood was detected on the said clothes. There is no prima facie material to show the involvement of the applicant in commission of the crime.

4. Under the circumstances, the Application is allowed on the following terms:

- i) The Applicant is ordered to be released on provisional cash bail of Rs.50,000/- for a period of three weeks from the date of release, within which he shall furnish one or two solvent sureties in the like amount ;
- (ii) The Applicant is ordered to be released on bail on the Applicant furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two solvent sureties in the like amount;
- iii) The Applicant shall attend Panvel Taluka Police Station, on first Monday of every month till conclusion of the trial ;
- iv) The Applicant shall not interfere with the witnesses or tamper with the evidence in any manner ;
- v) The applicant shall keep the Sessions Court informed of his local / permanent address and mobile contact numbers and/or change of residence or mobile details, if any, from time to time;
- . Application is accordingly disposed of.

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(ANUJA PRABHUDESSAI, J.)