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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1558 OF 2021**

Gokul Ratan Pardeshi

....Applicant.

V/s

The State of Maharashtra

.....Respondent

Mr. Nitesh Mohite for the Applicant.

Mrs. Rutuja Ambekar, APP for the Respondent/State.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 06, 2021

P.C.: -

1] Applicant was arrested on 19/11/2017 in Crime No.I-538 of 2017 registered with Kolsewadi Police Station, Kalyan for the offence punishable under Sections 302, 201, 120B read with Section 34 of the Indian Penal Code.

2] Prosecution case is, Applicant out of animosity murdered Mayur either by administering poison or by assault. The incident claimed to have occurred on 18/11/2017. Dead body of the deceased was discovered and postmortem report dated 11/11/2017 speaks of hardly any injuries to be noticed as the body was in decomposed state. The only circumstantial evidence available against the Applicant is statement of Mrunal, Vivek and tower location of the mobile phone of deceased Mayur and the Applicant. In the statement of Mrunal reported under Section 164 of Cr.P.C, she claimed to have contacted deceased Mayur on his mobile, whereas in the similar statement of

witness Vivek, he has stated that, at the relevant time, Mayur was using his mobile phone. There is material contradiction between the statement of Vivek and Mrunal who are witnesses in the present case. Neither the mobiles are seized nor the C.D.R established the case of prosecution.

3] Apart from above, report of Chemical Analyser does not support the case of prosecution that deceased was administered poison which could have been the cause of death.

4] In the aforesaid backdrop, Applicant deserves to be released on bail.

5] Applicant is directed to be released on bail in Crime No. I-538 of 2017 registered with Kolsewadi Police Station for the offence punishable under Sections 302, 201, 120B read with Section 34 of the Indian Penal Code, on execution of P.R. Bond in the sum of Rs 25,000/- (Rupees Twenty Five Thousand only) with one or two sureties in the like amount.

6] The Applicant shall report to the concerned Investigating Officer as and when called.

7] The Applicant shall report to the Investigating Officer on first Monday of every month till the charge is framed.

8] The Applicant shall furnish the particulars of his place of residence and contact details to the Investigating Officer of the Police Station concerned within seven days from today.

9] The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

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

(NITIN W. SAMBRE, J.)