

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1394 OF 2021**

Min Krishna Giri

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Sudeep Pasbola i/by Mr. Sandeep K. Singh, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

Mr. Shingate, PSI, Mulund Police Station – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 22nd NOVEMBER, 2021

PC.

1. Applicant is seeking regular bail in Crime No. 354 of 2019 registered with Mulund Police Station for the offence punishable under Sections 302 and 452 of IPC.

2. Applicant after arrest on 30th September, 2019 came to be charge-sheeted. The accusation against the applicant are, he has entered in the house of the aged lady with an intention to commit theft and murdered her.

3. The prosecution case is based on circumstantial evidence. The only adverse evidence available against the applicant is CCTV footage and recovery of knife.

4. The incident has occurred on 9th September, 2019. The

applicant was apprehended on 30th September, 2019 whereas discovery under Section 27 of the Evidence Act is on 5th October, 2019. The report from the Forensic Science Laboratory does not support the case of the prosecution as no blood stains were noticed on the knife discovered under Section 27 of the Evidence Act. The CCTV footage which are relied on are of prior in point of time of the incident. If the case of the prosecution is tested on the touchstone of circumstantial evidence, the chain of the events, the evidence brought on record does not justify the case of the prosecution. Merely because applicant has number of criminal antecedents that by itself does not disentitle him to claim relief of regular bail, particularly when the prosecution has failed to demonstrate the *prima-facie* involvement of the applicant in the present crime.

5. In the aforesaid background, applicant in my opinion is entitled to be released on bail on executing P. R. bond of Rs.25,000/- with one or more local sureties in the like amount.

6. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence.

7. Applicant shall attend the trial regularly.

8. As such, application stands disposed of.