

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1651 OF 2021**

Vikram @ Vikas Rajaram Rokde ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. M.A. Khan i/b. Capri Legal, for the Applicant.

Ms. PP. Shinde, APP for the Respondent - State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 30th APRIL 2021.

PC. : Through Video Conferencing.

1. Heard the learned counsel for the applicant and the learned counsel for the Respondent – State.

2. This is an application under section 439 of Code of Criminal Procedure, 1973. The applicant is arrested on 27th September 2020 in Crime No.681 of 2020 registered at Dehu Road Police Station for the offences punishable under section 302, 363, 364, 120-B r/w 34 of Indian Penal Code. Investigation is completed and charge sheet is filed.

3. It is the case of the prosecution that one Priya Shilvant Chauhan was in some relationship with co-accused Prashant Gaikwad since 2014. He had refused to marry her and therefore, Crime No.122/2016 was lodged against Prashant Gaikwad at Dehu Road Police Station under section 376 of the Indian Penal Code. On 26th September 2020 the co-accused Prashant Gaikwad had been to the house of Priya Chauhan. There was a quarrel between the co-accused and Priya over the child begotten by her out of their relationship. The co-accused had pushed the sister of Priya Chauhan inside the house and locked her as she had attempted to intervene in the said quarrel. He thereafter had taken away Priya Chauhan with him forcibly.

4. On 27th September 2020, the first informant had received an information from the Police that the dead body of Priya Chauhan was lying in Adarsh Nagar and the cause of death was head injury.

5. That, in the course of investigation, on the basis of the statement of the co-accused the blood stained clothes of Priya were recovered from the custody of the present applicant. Besides that, there is no allegation of causing homicidal death of Priya. The name of the applicant is not reflected in the statements of the witnesses recorded

under section 164 of Cr.P.C. Hence, prima facie, the applicant deserves to be enlarged on bail. Hence, the following order :-

ORDER

- (i) Application is allowed;
- (ii) Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- and one or more solvent sureties in the like amount;
- (iii) Application is disposed of on above terms;
- (iv) Parties to act upon an authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J)