

Nisha
S.
Chitnis

Digitally
signed by
Nisha S.
Chitnis
Date:
2021.01.20
16:59:42
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1858 OF 2019

Chandrakant Ganpat Padwale

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Manish N. Jain i/b S.M. Jain Associates, Advocate for the Applicant.
Mr. S.V. Gavand, APP for State-Respondent.

CORAM : REVATI MOHITE DERE, J.
DATE : FRIDAY, 15th JANUARY 2021

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with CR No.I-500/17 registered with Virar Police Station, Thane, for the alleged offences punishable under Sections 302, 201, 120 (B) and 109 of the Indian Penal Code.
3. Learned counsel for the applicant submits that there is no material to connect the applicant with the alleged offences.

4. Learned APP opposes the application.

5. Perused the papers. The prosecution case rests, entirely on circumstantial evidence. It is the prosecution case, that one Santosh Ganpat Garel saw one body wrapped in a bed-sheet, thrown on the road. The said witness-Santosh Garel has stated that two persons, who threw the dead body, fled from the spot, towards the village on a motorcycle. Accordingly, the said witness informed the Police Patil of the same. He has further stated that when the Police Patil came, he and the Police Patil went near the body and saw that one unknown lady was wrapped in a bedsheet, pursuant to which they informed the Mandvi Police Station. The said incident is stated to have taken place in the intervening night between 10th September 2017 and 11th September 2017 at around 12.00 midnight. As noted above, the prosecution case rests entirely on circumstantial evidence. Prima facie, there is no material of last seen or of extra judicial confession or of recovery as against the applicant. The only allegation as against the applicant is that the villagers had seen the applicant on the said motorcycle on the day of the incident. No motive has also come on record for the applicant to cause the death of the deceased. Investigation is complete and chargesheet is filed. The applicant is in custody since September 2017.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions.

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- (Rs. Twenty Five Thousands Only) with one or two local solvent sureties in the like amount;
- (ii) The applicant shall report to the concerned police station on the first Sunday of every month between 10.00 a.m. and 1.00 p.m., till the conclusion of the trial;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant to co-operate in the conduct of the trial and attend on all the dates given by the trial Court, unless exempted;
- (v) The applicant shall file an undertaking with regard to Clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vi) If there is breach of any of the aforesaid condition, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the digitally signed by the Personal Assistant/Private Secretary of this order.

REVATI MOHITE DERE, J.