

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

BHALCHANDRA
GOPAL
DUSANE

BAIL APPLICATION NO.1879 OF 2019

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BHALCHANDRA
GOPAL DUSANE
Date: 2021.11.01
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Mahesh Maruti Shinde Applicant

Vs.

The State of Maharashtra Respondent

None for Applicant.

Mr. Piyush Toshnival appointed Advocate for Applicant.

Ms. Prajakta P. Shinde, APP for State.

Coram : NITIN W. SAMBRE, J.

Date : 30TH OCTOBER, 2021

P.C.:

1. Learned Counsel appearing for the applicant is absent. Mr. Piyush Toshnival requested to assist the Court in the matter. He has obtained papers from the learned APP to assist the Court in deciding the same.

2. The applicant came to be apprehended on 9th July, 2016 in Crime No. 106 of 2016, registered with Murbad Police Station, for the

offence punishable under Sections 302, 376, 511, 376-A, 34 of the Indian Penal Code.

3. It is the case of the prosecution that deceased was murdered by the applicants after subjecting her to rape.

4. The case of the prosecution is based on the circumstantial evidence.

5. It is claimed that from the custody of the applicant a pair of chappal so also mobile was recovered, which connects the involvement of the applicant to the crime.

6. Witness, Sau. Tanuja Mali in her statement recorded under Section 161 of Cr.P.C. refers to hearing of some sound at about 2.00 am. in the house from deceased and accordingly she called neighbour by name Natthu Deshmukh. Natthu Deshmukh saw two persons travelling on motorcycle. This is the material which is available against the applicant to connect the crime.

7. The statement of sister of deceased, Tanuja Mali also refers to statement made by son of deceased, Pavan that he saw maternal

uncle-Anya with one unknown person. There is no test identification parade.

8. In the aforesaid background, to continue further detention of the applicant, who has already suffered incarceration for more than four years is not justifiable particularly when there is no direct evidence available on record to connect the applicant to the crime. As such, the application stands allowed on following conditions :

ORDER

- (i) The applicant be released on bail in Crime No. 106 of 2016, registered with Murbad Police Station, punishable under Sections 302, 376, 511, 376-A, 34 of the Indian Penal Code, on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (ii) The applicant shall neither influence the prosecution witnesses in any manner nor tamper with the evidence.
- (iii) The applicant shall attend the trial regularly.

(NITIN W. SAMBRE, J.)