

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3455 OF 2021

Ramsing Ramdhari Chaouhan	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Sagar Bhandare for Applicant.
Ms. S. S. Kaushik, APP for Respondent-State.
Mr. Santosh Chaudhari, P.S.I. from Koparkhairne Police Station.

CORAM : NITIN W. SAMBRE, J.
DATE : DECEMBER 01, 2021

P.C. :

Heard Mr. Bhandare, learned counsel for the applicant.

2. The applicant has suffered incarceration for the last more than four years in Crime No.59 of 2018 registered with Koparkhairne Police Station, Navi Mumbai for the offence punishable under Section 302 of the Indian Penal Code.

3. The contentions are the involvement of the applicant is based on last seen together and recovery of blood stained clothes.

4. Learned APP has opposed the prayer on the aforesaid count.

5. The fact remains that the deceased was found murdered after having suffered head injury. The statements of the witnesses only speak of the presence of the applicant at the place where deceased was begging. It has come on record that deceased - a beggar and an alcoholic woman was also used to quarrel with the applicant and as such the motive is attributed against the applicant.

6. But for circumstantial evidence, there is no iota of direct evidence to connect the applicant to crime in question.
7. Apart from above, there are no criminal antecedents and a report from the Forensic Science Laboratory is not received for more than four years.
8. That being so, case is made out for granting bail.
9. Hence, applicant is directed to be released on bail in Crime No.59 of 2018 registered with Koparkhairne Police Station, Navi Mumbai for the offence punishable under Section 302 I.P.C. on executing P.R. Bond in the sum of Rs.15,000/- with one or more sureties in the like amount. Applicant shall neither directly or indirectly try to influence the prosecution witnesses nor tamper with the evidence.
10. Application is accordingly disposed of.

(NITIN W. SAMBRE, J.)

Minal Parab