

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

BAIL APPLICATION NO.3392 OF 2021

BHALCHANDRA
GOPAL DUSANE

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BHALCHANDRA
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Date: 2021.11.17
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Khalid Adil Sayed Applicant

Vs.

The State of Maharashtra Respondent

Ms. Lakshmi Raman for Applicant.
Mr. A.R. Kapadnis, APP for State.
PSI, Sagar Bhosale, Juhu Police Station.

**Coram : NITIN W. SAMBRE, J.
Date : 16TH NOVEMBER, 2021**

P.C.:

1. On 2nd August, 2020, the applicant came to be arrested in Crime No. 241 of 2020, registered with Juhu Police Station, Mumbai for an offence punishable under Section 302 read with 34 of Indian Penal Code and Sections 4 and 25 of Indian Arms Act. The applicant was charge-sheeted.

2. The prosecution case against the present applicant is, the applicant alongwith co-accused Shivram alias Shiva murdered step-brother of the complainant.

3. The applicant is not specifically named in F.I.R., however his bodily description with costume is mentioned. The CCTV footage claim to reflect the presence of the applicant alongwith main accused, however, there is no identification parade. As such the involvement of the applicant in the crime in question is based on his description in the F.I.R. It appears that in the supplementary statement of the complainant, the applicant is implicated after having been introduced in the Police Station, which procedure is not known to law. The role attributed to the applicant is caught holding of the deceased, whereas co-accused gave stab injury, which has resulted into death. As such, serious doubt is created on the prima facie involvement of the applicant.

4. In the aforesaid background, in my opinion, a case for grant of bail is made out. The application is allowed on following conditions :

ORDER

(i) The applicant be released on bail in Crime No. 241 of 2020, registered with Juhu Police Station, Mumbai for an offence punishable under Section 302 read with 34 of Indian Penal Code and Sections 4 and 25 of Indian Arms Act, on furnishing P.R. bond in the sum of 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 remain outside the jurisdiction of the concerned Police Station till conclusion of trial.

(NITIN W. SAMBRE, J.)