

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

BAIL APPLICATION NO. 2491 OF 2019

Salimali Munna Ansari	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Ashish Dubey i/b. Madan Mohan Mishra for the Applicant.
Mr. S.V. Gavand, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 22nd NOVEMBER, 2021.

P. C. :-

. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who is facing trial for offence under section 302, 201 of the Indian Penal Code in Sessions Case No.414/2018 pending on the file of Sessions Court, Dindoshi.

2. Heard Mr. Ashish Dubey, learned counsel for the Applicant and Mr. S.V. Gavand, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The material on record reveal that, on 26/08/2018, at about

11:45 a.m., the complainant – Ramesh Pawar was on duty at Borivali Police Station, Mumbai. He received information that one person was lying in an injured condition near a nulla between Malad and Goregaon. He reached the place of the incident at about 12:30 p.m. and found that the body of one deceased person with several injuries was lying near a nulla at Chincholi Bandar. The identity of the deceased was not known. Head Constable – Ramesh Pawar therefore lodged FIR against an unknown person for causing death of the said unknown person. In the course of investigation, it was revealed that the deceased was Rameshwar Mishra @ Pandit. The investigation also revealed that the deceased and the Applicant were living together and were having physical relationship with each other. The Applicant was placed under arrest. One knife allegedly used as a weapon of offence and the clothes worn by the Applicant on the date of the incident, were seized at the instance of the Applicant and the same were later forwarded for chemical analysis. The CA report indicates that there were no blood stains on the knife. The t-shirt which was recovered almost about a week after the incident, was found to be stained with blood, but the blood group was inconclusive. The prosecution has relied upon the CCTV footage and the statement of Krishna Devadiga, a perusal of which prima facie reveals that the Applicant had visited the

wine shop of Krishna Devadiga on 25/08/2018. The statement of Krishna Devadiga does not prima facie indicate that the deceased was in company of the Applicant as to construe the same as last seen circumstance. There is no other prima facie material to link the Applicant with the aforesaid crime. The Applicant is in custody since 02/09/2018. It is stated that the charge is not yet framed. It is also on record that the Applicant has no criminal antecedents.

4. Considering the above facts and circumstances and also the nature of accusations and material in support thereof, this is a fit case for grant of bail. Hence, the Application is allowed on following terms and conditions :-

(a) The Applicant is ordered to be released on bail on furnishing P.R. Bond in the sum of Rs.40,000/- (Rupees Forty Thousand) with one or two solvent sureties in the like amount ;

(b) The Applicant shall report to Borivali Police Station, Mumbai Railway once in a month on every 1st Saturday between 11:00 a.m. to 01:00 p.m. until further orders ;

(c) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case ;

(d) The Applicant shall keep the Trial Court informed of his current address and mobile contact numbers and/or change of residence or mobile details, if any, from time to time ;

(e) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

5. Bail Application stands disposed of accordingly.

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(SMT. ANUJA PRABHUDESSAI, J.)