

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

**CRIMINAL BAIL APPLICATION NO. 1086 OF 2022**

Saurabh @ Dadya Naneshwar Golesar                      ...Applicant  
Versus  
State Of Maharashtra And Anr                                      ...Respondents

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Mr. S. T. Pandey a/w Arvind Singh, Anima Mishra, Angela Singha, Kajal Upadhyay, Anju singh, Nagesh Avhad, I/by SBG Law, Advocate for the Applicant.

Ms. P. N. Dabholkar, APP for the Respondent – State.

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**CORAM : PRAKASH D. NAIK, J.**

**DATE : 13<sup>th</sup> OCTOBER, 2022**

**PER COURT:**

1. This is an application for bail in connection with C.R. No. I-1048 of 2021 registered with Sinner police station for offence punishable under Section 302 read with 34 of the Indian Penal Code.

2. The applicant was arrested on 14.08.2021. Investigation is completed and charge-sheet is filed. The case of the prosecution is that on 06.08.2021 the deceased Hirabai left her house at around 04:00 pm. On 08.08.2021 the first informant had received phone call from his grandson Sandeep Pawar and he was informed that the

door of the house of the deceased was found locked and foul smell was coming from the house. The first informant rushed to the spot and noticed that body of the deceased was lying on the floor. The first informant then approached the police. The body was sent to Civil Hospital for postmortem.

3. The case of the prosecution is that the motive behind of offence of murder of the deceased was that accused Akshay Shinde was carrying impression that due to illicit relationship of the deceased with several persons, prospects of his sister's marriage are in jeopardy. The key of the house of the deceased was discovered at the instance of the co-accused Akshay Shinde under Section 27 of the Indian Evidence Act.

4. Learned advocate for the applicant submitted that there is no cogent evidence against the applicant showing involvement in the crime. Co-accused Akshay Shinde had alleged motive to commit crime. He has been granted bail by this Court vide order dated 29.07.2022 passed in Bail Application No. 1112 of 2022. The applicant is in custody from 14.08.2021. There are no criminal antecedents against the applicant. There is no eye witness to the incident. Case

of the prosecution is based on the statement of the accused that the applicant was standing outside the house of the deceased and keeping watch.

5. Learned APP submitted that the case is based on circumstantial evidence. The applicant and co-accused are involved in crime. The deceased was killed. The co-accused had motive to kill. The applicant was acting in connivance with co-accused.

6. On perusal of the order dated 29.07.2022 it can be seen that the co-accused Akshay Shinde, who was attributed to motive of liquidate deceased was granted bail. Undisputedly, there is no eye witness to the incident. There is no incriminating recovery at the instance of the applicant. The applicant is in custody for about one year. Co-accused Akshay Shinde has been granted bail by this Court. Hence, case for grant of bail is made out.

### **ORDER**

(i) Criminal Bail Application No.1086 of 2022 is allowed;

(ii) The applicant is directed to be released on bail in connection with C.R. No. I-1048 of 2021 registered with Sinner police station on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the

like amount;

(iii) The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.

(iv) The applicant shall attend the investigating officer once in three months between 11.00 a.m. to 1.00 noon and thereafter as and when called for till further orders.

(v) The applicant shall not tamper with the evidence.

(vi) Application stands disposed of accordingly.

**(PRAKASH D. NAIK, J.)**