

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

BAIL APPLICATION NO.1512 OF 2021

Shrikant Bharat Kamble

...Applicant

Vs

The State of Maharashtra & Anr.

... Respondents

...

Mr. Pravin Dabade i/by Ms. Shashikala U. Jagtap for the Applicant.

Mr. A.M.Khamkhedkar, APP for the State/Respondent.

CORAM : SANDEEP K. SHINDE J.

DATE : JANUARY 11, 2022.

P.C. :

It is second bail application. The first application was rejected on 2nd December, 2019.

2 Smt. Pinal Nadar, wife of the deceased lodged a report on 19th January, 2016, complaining that his husband was murdered by unknown person. Whereupon the Crime No.45 of 2016 came to be registered under Section 302 of the Indian Penal Code, 1860 against the unknown persons. Three days after the incident, one Durairaj Nadar disclosed the complicity of the applicant in crime. Whereafter,

the applicant was arrested on 22nd January, 2016.

3 Mr. Dabade, the learned counsel for the applicant, has taken me through the final report to submit that except a statement of Durairaj Nadar, who has disclosed the complicity of the applicant in the crime, there is no other evidence against the applicant either direct or circumstantial. Mr. Dabade submitted that the applicant is in custody for six years and has no criminal antecedents. Mr. Dabade submitted that statement of Durairaj Nadar lacks corroboration on the material particulars. Additionally, it appears, neither blood-stained clothes nor weapon allegedly used for committing murder has been recovered by the prosecution. Mr. Khamkhedkar, the learned Additional Public Prosecutor, does not dispute this fact. Mr. Khamkhedkar, on instructions, also confirms that applicant has no criminal back-ground.

4 In consideration of the fact that the applicant is in custody for six years and the trial is not likely to commence in near future and also keeping in view, there are no criminal antecedents

against the applicant, in my view, a case is made out for releasing the applicant on bail. Hence, the following order;

ORDER

(i) The applicant in Crime No.45 of 2016 registered with Dindoshi Police Station, shall be released on executing PR bond for the sum of Rs.25,000/- with one or more sureties in like sum.

(ii) The applicant shall attend the concerned police station twice a month, i.e., 1st and 3rd Monday of every month between 11 a.m. to 1 noon commencing from February, 2022 till the charge is framed.

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

5 The application is accordingly allowed and disposed of.

6 It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)