

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1638 OF 2021

Shambhubhai Manubhai Rawal .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Sandeep Mishra for the Applicant.

Ms.Anamika Malhotra, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.

DATED : 18th JULY, 2022

P.C:-

1. The applicant is charge-sheeted for the offences punishable under Sections 302, 452, 120-B read with Section 34 of the I.P.C.

C.R.No.I-38 of 2000 came to be registered on Sou.Kunda Kundan Rawal found to be dead in bathroom of her house and two persons came to be arraigned as accused, being her husband Kundan and one Suresh Navhi.

The learned counsel for the applicant states that on being charge-sheeted, Kundan Rawal was acquitted by the Sessions Court. As far as accused Suresh Navhi is concerned, he was absconding, but subsequently, he has died. Even Kundan Rawal, after his acquittal, has expired.

2. The applicant is accused of being awarded a contract by accused Kundan to eliminate his wife. The charge-sheet reflect that the cause of death of Kunda was, smothering with compression of neck. The learned A.P.P. has invited my attention to the statement of one Rakesh Kundan Rawal, son of the deceased, which was recorded on 19/02/2000, since he is the person, who noticed his mother lying in the bathroom in an unconscious condition. His further statement came to be recorded on 25/10/2020, when he was confronted with the photograph of the present applicant. He has identified the applicant, being close acquaintance of his father and he stated that he was aware that the present applicant alongwith co-accused Suresh Navhi has caused death of his mother.

The learned A.P.P. fairly states that apart from this statement, there is no material compiled in the charge-sheet against the present applicant. The applicant is arrested on 16/10/2020. In absence of any material, either in the form of

direct or circumstantial evidence to implicate the present applicant to establish a charge under Section 302 of the I.P.C. alongwith the charge of criminal conspiracy, the applicant deserves his release on bail. Hence, the following order.

: ORDER :

- (a) Application is allowed.
- (b) Applicant -Shambhubhai Manubhai Rawal shall be released on bail in connection with C.R.No.-I-38 of 2000 registered with Wagle Estate Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.
- (d) The applicant shall report to the Wagle Estate Police Station on First Monday of trimester and shall attend the trial on regular basis.

(SMT. BHARATI DANGRE, J.)