

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

CRIMINAL BAIL APPLICATION NO.2830 OF 2021

Arjun Lala Mohite ...Applicant
Versus
The State Of Maharashtra ...Respondent

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Mr. Nitesh J. Mohite, Advocate for the Applicant.

Mr. A. A. Palkar, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.

DATE : 4th OCTOBER, 2022.

PER COURT:

1. This is an Application for bail in CR No.76 of 2021 registered with Bharati Vidyapeeth Police Station, Pune for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code. The FIR was registered on 6th February, 2021. The applicant was arrested on 13th February, 2021.

2. The case of the prosecution is that the deceased was found near Karjat tunnel. He had sustained several injuries. The FIR was registered against unknown persons. The investigation proceeded. During the course of investigation, it was revealed that the accused Pradip Rathod had assaulted the deceased. He was arrested. Thereafter, the applicant was arrested. The alleged role attributed to the applicant is that he had assisted the co-accused in assault

and disposal of the body of the deceased. The postmortem report indicates that there are head injuries on the deceased person.

3. It is pointed out that there is no eye witness to the incident. The case is based on circumstantial evidence. Against the co-accused, the prosecution is relying upon evidence of last seen together. As against the applicant, there is no cogent evidence to establish that the applicant had assaulted the victim or has participated in destroying the evidence.

4. Learned APP submitted that the name of the applicant was revealed during the investigation. The case of the prosecution is that the applicant was with the co-accused while assaulting the deceased and throwing the body of deceased. The vehicle used in the crime was recovered at the instance of the applicant.

5. There is no evidence to establish the involvement of the applicant. The circumstance against the applicant is that there is recovery of vehicle from the applicant which was purportedly used while committing the crime. The prosecution has relied on the statement of the applicant wherein it is allegedly admitted that he was along with the co-accused at the time of incident. Such statement has no evidentiary value and it cannot be relied. The accused/applicant is in custody for a substantial period for time.

Further detention of the applicant is not required. There are no criminal antecedents against the applicant. The case for grant of bail is made out.

6. Hence, I pass following order :

:: ORDER ::

- (i) Criminal Bail Application is allowed.
- (ii) The applicant is directed to be released on Bail in CR No.76 of 2021 registered with Bharati Vidyapeeth Police Station, Pune on his executing PR Bond in the sum of Rs.20,000/- with one or more sureties in the like amount.
- (iii) The applicant is permitted to furnish cash Bail in the sum of Rs.20,000/- for a period of eight weeks.
- (iv) The applicant shall report concerned Police Station once in a month on the first Saturday of every month between 11.00 am to 1.00 noon for a period of one year and thereafter once in three months on the first Saturday of every month between 11.00 am to 1.00 noon.
- (v) The applicant shall not tamper with the evidence.
- (vi) Criminal Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)