

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

BAIL APPLICATION NO. 1757 OF 2020

Rahul Subhedar Goud (Gond)	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Bhaskar J. Sarwade for the Applicant.
Ms. S.S. Kaushik, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 27th APRIL, 2022.

P. C. :-

1. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who is facing trial in Sessions Case No.2049/2019 pending on the file of learned Sessions Judge, Greater Mumbai for offences punishable under sections 302, 364, 120-B r/w. 34 of the Indian Penal Code.

2. Heard Mr. Sarwade, learned counsel for the Applicant and Ms. S.S. Kaushik, 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 aforesaid crime was registered pursuant to the First

Information Report (FIR) lodged by Amit Shankar Uttekar, Police Sub-Inspector. A perusal of the FIR reveals that on 10/08/2019, while he was on duty, he received information that a dead body of an unknown person was lying at Phataka Maidan, BKC. He visited the site with other police staff. He shifted the body to the Sion Hospital. The post mortem report revealed that the death was due to Asphyxia following ligature strangulation and smothering associated with blunt trauma to chest, abdomen. Identity of the deceased and the accused was not known. Hence, he lodged the FIR against unknown persons.

4. In the course of investigation, the Applicant came to be arrested. The only material against the Applicant is the statement of the witness – Raju Ramawadh Saroj who claims that on 10/08/2019, during morning hours, he had received a phone call from the Applicant. The Applicant told him that in the previous night, he and his friend had committed murder of the deceased – Roshan and had thrown his body near BKC. The Investigating Agency has not verified the call details and prima facie, there is no other material on record to indicate that the Applicant had called the said witness and had made any extra judicial confession. Under the circumstances, the Applicant is entitled for bail. Hence, the Bail Application is allowed on following terms and

conditions :-

- (i) The Applicant who is facing trial in Sessions Case No.2049/2019 pending on the file of Sessions Judge, Greater Mumbai, is ordered to be released on cash bail in the sum of Rs.30,000/- for a period of six weeks ;
- (ii) The Applicant shall, within the said period of six weeks, furnish P.R. bonds in the sum of Rs.30,000/- with one or two solvent sureties in the like amount ;
- (iii) The Applicant shall report to BKC Police Station, Mumbai once in two months on every 1st Monday between 11.00 a.m. to 12.00 noon until further orders;
- (iv) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (v) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.

(vi) 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 in above terms.

**PREETI H
JAYANI**

Digitally signed by
PREETI H JAYANI
Date: 2022.05.02
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(SMT. ANUJA PRABHUDESSAI, J.)