

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 462 OF 2022

Vijendra Krushna Thakare @ Vasu ...Applicant

V/s.

The State of Maharashtra ... Respondent

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Mr.Kabul Singh Labana, for the Applicant.
Ms.P.N. Dabholkar, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th OCTOBER 2023

P.C:-

. By this Application, Applicant is seeking bail in Crime No.46 of 2021 registered with Bazarpeth Police Station, Kalyan, for the offence punishable under Sections 302 of the Indian Penal Code ('IPC' for short).

2. It is prosecution's case that, mother-in-law of first informant was residing alone in one room at Zunzarrao Building, Kalyan, on 27th February 2021, when she was in room someone killed her. It is alleged that, on that day at around 2.30 p.m.

Applicant was present in the room of mother-in-law of first informant and thereafter, Applicant had to come her house at 5.00 p.m., to collect the garbage. In investigation police arrested Applicant in connection of the crime as he was last seen with the deceased.

3. It is contention of learned counsel for the Applicant that, prosecution case is based on circumstantial evidence and there is hardly any circumstance which can connect the Applicant with the alleged crime. Applicant is falsely implicated in this case. There is nothing incriminating material produced on record to show that, on the day of incident he was seen with the deceased. The learned counsel further submitted that, the CCTV footage shows presence of the Applicant near the building. But this CCTV footage does not show involvement of the Applicant in the said crime. Applicant is behind bar more than 2 years. Hence, requested to allow the Application.

3. It is contention of the learned APP that, deceased was staying alone in her house. On the day of incident Applicant had gone to her house to collect the garbage and he suppose to come

at 5.00 p.m. on the same day to collect garbage. The Applicant was seen with the deceased on the day of the incident. There was money transactions between Applicant and deceased. Applicant had killed the deceased. There is recovery of knife at the instance of the Applicant. There is *prima facie* case against the Applicant. Hence, requested to reject the Application.

4. I have heard both learned counsel. Perused FIR and charge-sheet.

5. Admittedly, prosecution's case is based on circumstantial evidence. It is alleged that, on the day of the incident Applicant was seen with the deceased at 2.30 p.m. Nothing incriminating material produced on record against the Applicant to show that, he had come to meet deceased at 5.00 p.m. To prove the role of the Applicant in the commission of crime evidence is required. Applicant is behind bar more than 2 years. Yet trial is not started it may take time to conclude the trial. Hence, no further detention of the Applicant is not required.

7. In view of above, I pass following order.

ORDER

- (i) The Applicant be released on bail in Crime No.46 of 2021 registered with Bazarpeth Police Station, Kalyan on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.
- (ii) After his release from jail the Applicant shall attend the Bazarpeth Police Station, Kalyan once in a month i.e. on every 1st Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iv) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.
- (v) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)