

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

CRIMINAL BAIL APPLICATION NO. 1489 OF 2022

Deepak Vitthal Mane

....Applicant

Versus

State of Maharashtra

....Respondent

Mr. Prashant G. Pandey a/w Mr. Tushar Halwai, Mr. Ahray Dane, Mr. Dinesh Jadhvani, Mr. Irfan Unwala i/b W3LEGAL LLP for the Applicant.

Ms. P. N. Dabholkar, APP, for the Respondent-State.

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CORAM : G. A. SANAP, J.

DATE : 26th OCTOBER, 2023.

P.C. :

1. The Applicant/Accused No.1 has made this Application for bail in C. R. No.1060 of 2020 registered with Borivali Police Station, District - Mumbai for the offences punishable under Sections 302, 109, 120-B, 201 read with 34 of the Indian Penal Code, 1860 (for short "IPC").

2. Learned Advocate for the Accused No.1 submitted that the

case is based on circumstantial evidence. The learned Advocate pointed out that nothing was recovered at the instance of Accused No.1. Learned Advocate submitted that even if it is assumed that the Accused No.1 had the illicit relations with Accused No.2, the same could not be said to be a circumstance to draw the inference of the involvement of the Accused in this crime. Learned Advocate submitted that the Accused is in jail for almost three years. There is no progress in the trial and therefore his further incarceration for indefinite period is not warranted. Learned Advocate submitted that Applicant is ready to abide by the conditions that may imposed by this Court.

3. Learned APP submitted that in this case there is a strong motive for the Accused Nos. 1 and 2, to commit the murder of the deceased. Learned APP took me through the record and submitted that there is evidence to show that on 24th October, 2020, the deceased had seen the Accused Nos. 1 and 2 coming out of a bathroom. Learned APP submitted that the deceased had threatened the Accused No.2 to inform her illicit relations with Accused No.1 to her husband, who on that day had gone to Karnataka. Learned APP submitted that the learned Judge of the trial Court has properly

appreciated the material and rejected the Bail Application.

4. It is seen that in this case, there was no recovery at the instance of the Accused No.1. The recovery was at the instance of the Accused No.2. It is true that, there was a strong motive for commission of the crime by the Accused. There is no other direct evidence to connect the Accused No.1 with the crime. It is seen that, there is statement of one witness who had seen the Accused in front of the house of the deceased. The Accused No.2 is the daughter-in-law of the deceased she was in the house in the night. The children whose statements have been recorded by the Police, have not stated that they had witnessed the incident. The record suggest that the trial may not be over in the near future. In the fact and circumstances, the incarceration of the Accused No.1 for indefinite period may not be warranted. The apprehension put forth by the learned APP can be taken care of by imposing appropriate conditions.

5. Accordingly the Application is allowed.

ORDER

i. Bail application is hereby allowed.

- ii. Applicant/accused by name Deepak Vitthal Mane,
be released on bail on executing PR and SB of Rs.
30,000/- (Thirty Thousand) or two surety of Rs.
15,000 (Fifteen Thousand).
- iii. Applicant/accused is hereby directed not to tamper
with prosecution evidence.
- iv. Further he is directed not to contact with
informant, witnesses, her relatives directly or
indirectly.
- v. He shall not enter the limits of Greater Bombay and
Thane District till the conclusion of the trial, except
for attending the Court date and that too with the
prior intimation to the concerned jurisdictional
Police Station.

(G. A. SANAP, J.)