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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1419 OF 2022

Ranjitkumar Mohan Singh ...Applicant

vs.

State of Maharashtra ...Respondent

Mr. Bernardo Reis with Mr. Shailesh Rai for the Applicant.

Mr. H. J. Dedhia APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 18TH APRIL 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.

2. There are two more accused persons. They are accused No.1-Pintukumar Tarunkumar Singh and accused No.3-Kalyanidevi Divesh Sharma. The name of deceased is one Divesh Rajkishor Sharma. He was murdered by all the accused persons by strangulation. There is post mortem report to that effect. He was murdered because accused No.1-Pintukumar Singh and accused No.3-Kalyanidevi were

having illicit relation. They have taken help of present Applicant.

3. It is true that there are no eye witness, who has actually seen how there was strangulation. The case is based on circumstantial evidence. FIR is lodged by one Ashisk Ananta Mokashi with Wada police station on 26th March 2021, at about 10.30 pm. When he was passing towards local area, he noticed three persons carrying one gunny bag on their shoulders. When confronted they threw away gunny bag and tried to run away. Somehow the first informant could catch hold of one person, who is accused No.1. When inquired he confessed that he along with present Applicant and one more associate have murdered Divesh Sharma. FIR is registered being C.R. No.93 of 2021, for the offence punishable under sections 302, 201 read with 34 of IPC.

4. When the villagers tried to search other persons, who run away towards forest, some of the witnesses could catch hold of present Applicant. One of such witness is Rupesh Maruti Mokashi. His statement is there on page 139. This Applicant also confessed about committing murder along with accused Nos.1 and 3.

5. Now, the investigation is completed and the charge-sheet is filed. Apart from these two confessions, there is also recovery of

shirt and pant at the instance of this Applicant. It is true that the report of Chemical Analyser is awaited.

6. Learned Advocate for the Applicant tried to canvass that there are no eye witnesses and there is no chemical analyser's report. He also submitted that when this Applicant alleged to have confessed to the witness Rupesh Mokashi, the police were also present.

7. At this stage, the Court has to see whether there is material to show involvement of the Applicant and the test as contemplated 'proving the case on the basis of circumstantial evidence beyond reasonable doubt' need not be considered at this stage. So extra judicial confession given by arrested accused to the first informant and coupled with recovery of blood stained clothes at the instance of the Applicant are sufficient to continue detention of the Applicant.

8. In view of above, I am not inclined to grant bail. It is true that the Applicant has right of speedy trial before the concerned Court, which is the Court of Sessions, Thane. It is true that there is huge pendency, so instead of expediting trial, the Applicant is granted liberty to move this Court, if the trial does not start within one year from today. With these observations the Application is disposed of accordingly.

9. These are my prima facie observations and the trial Court may not be influenced by that.
10. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]