

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

CRIMINAL BAIL APPLICATION NO. 1912 OF 2022

Sunil Raya Shirke	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Vijay Gharat a/w Mr. Kiran Patil for the Applicant.
Mr. Y. Y. Dabke, APP, for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th SEPTEMBER 2023.

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P.C. :

1. By this application, applicant is seeking bail in C. R. No.38 of 2019 registered with Mankhurd Police Station, Mumbai for the offences punishable under Sections 302, 364, 365, 201, 43, 120-B of Indian penal Code, 1860 (for short "IPC) and sections 66(C) of the Information Technology Act, 2000.

2. It is prosecution's case that, deceased was younger sister of complainant and complainant had filed missing complaint case, in respect of deceased. In investigation it revealed that, applicant and

co-accused murdered the deceased and withdrew the amount from her bank account.

3. It is contention of learned counsel for the applicant that applicant has been falsely implicated in this case. The co-accused have been released on bail by this Court (Coram: Bharti Dangre, J) by orders dated 14th September, 2021 and 10th October, 2022. The role attributed to released co-accused, is the same that of the applicant. Hence, applicant is entitled for bail on the ground of parity.

4. It is contention of learned APP that, applicant was a part of conspiracy with co-accused who murdered the deceased. The car which was used in the crime and diary of the deceased are recovered at the instance of applicant, it shows his involvement in the crime. There is *prima facie* case against the applicant. If applicant released on bail, he may threaten the prosecution witnesses. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and

charge-sheet.

6. The prosecution's case is based on circumstantial evidence. The co-accused have been released on bail by this Court(Coram: Bharti Dangre, J). The role attributed to the co-accused and applicant are same. Hence, applicant is entitled for bail on ground of parity. Applicant is behind bar for more than four years.

7. Considering the above facts, his further detention is not required.

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

ORDER

- (i) Applicant be released on bail in Crime No.38 of 2019 registered with Mankhurd Police Station, Mumbai, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11:00 a.m. to 2:00 p.m. till framing of charge.

(iii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

9. The application is allowed in the aforesaid terms and is accordingly disposed of.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)