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

BAIL APPLICATION NO.2138 OF 2022

Sameer Baban Dalvi

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. R. D. Suryawanshi with Mr. Suraj Naik for the Applicant.

Mrs. M. R. Tidke APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 16TH MARCH 2023

P.C. :

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

2. The Applicant came to be arrested on suspicion in connection with C.R. No.I-415 of 2021 registered at Kalyan Taluka police station for the offence punishable under sections 302, 201 of IPC. The deceased is one Soni Devraj Shevre. Her sister Pramila has lodged complaint on 13th July 2021. The deceased went missing on 4th July 2021. There is missing complaint filed by her husband on 5th July 2021. The dead body was found on 10th July 2021. Earlier to lodging of FIR , there is statement of husband of the deceased recorded to that effect.

3. The motive for murder is unhappiness expressed by the deceased over relationship in between her daughter with the Applicant. The Applicant has expressed wishes to said Pranali on

account of her birthday on 23rd June 2021. The deceased had expressed displeasure.

4. On 4th July 2021, the deceased had gone to forest for collecting vegetables. The dead body was found in forest of Guravli area of Kalyan taluka. They are mainly three circumstances relied upon by the prosecution against the Applicant. It consists of seizure of clothes worn by the Applicant at the time of commission of offence, showing the place wherein he has thrown away mobile handset of the deceased after murder and certain sort of non cooperation shown by the Applicant when relatives the deceased have gone to forest in search of dead body.

5. Furthermore, there is one statement of a witness Vanita Nirguda dated 16th July 2021, on the point of last seen. She had seen the deceased and one person on 4th July 2021. They were collecting local vegetable Kantoli. The person accompanied the deceased had worn full sleeves shirt of chocolate colour and black colour bermuda and the he was carrying sack on his back. Same type of clothes were seized from the Applicant, on the same date.

6. Learned Advocate for the Applicant also invited my attention to statement by one Ganpat Mhatre, wherein he had said about character of the deceased.

7. Specific cause of death could not be ascertained as dead body was in decomposed state.

8. Even if all these circumstances are considered together, I do not think that detention of the Applicant in jail is warranted. There is no recovery of any weapon at the instance of Applicant. The mobile handset was not seized from the spot which is alleged to be shown by the Applicant. There is no blood stains on clothes produced by him. Identity of person accompanying deceased as applicant is not shown. So the case for grant of bail is made out. Hence, the following order is passed :

ORDER

- (a) The Applicant be released on bail on furnishing personal bond and surety bond of Rs.30,000/- in C.R. No.415 of 2021 registered at Kalyan Taluka police station for the offences punishable under sections 302 and 201 of IPC.
- (b) The Applicant shall not threaten the prosecution witnesses or allure them in any manner.
- (c) Needless to say, violating of the condition above will make the Applicant liable for cancellation of anticipatory bail.

9. Application is disposed of accordingly.

10. These are my prima facie observations and the trial Court may not be influenced by that.

11. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]