

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3560 of 2022

Arvind Yadav alias Arvind Naipal Chauhan

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Ms. Pooja Agarwal, Advocate for the Applicant.

Mr. Amit A. Palkar, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 11th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No.675 of 2020 registered with Hinjewadi Police Station, Pune, for offences punishable under Section 302 of Indian Penal Code, 1860.

2. It is prosecution's case that deceased – Ganpat Sangale was found dead in his room. In investigation, police arrested applicant in connection with the murder of Ganpat. It is alleged that applicant was staying with Ganpat and there was quarrel between them on account of money, hence, applicant killed Ganpat and ran away.

3. It is contention of learned counsel for applicant that prosecution's case is based on circumstantial evidence.

No incriminating material is produced on record to show the involvement of the applicant in the said crime. Applicant was staying with Ganpat but due to Covid, he had gone to his native place. Applicant is behind bar for more than two years and ten months. Investigation is completed, charge-sheet has been filed. Hence, requested to allow the application.

4. It is the contention of learned APP that applicant was staying with deceased in his room. After the incident, he ran away to his native place. He had locked the said room from outside. There is statement of witness that there was dispute between applicant and deceased. It shows prima facie case against the applicant. Hence, requested to reject the application.

5. I have heard both learned counsel, perused the FIR and charge-sheet.

Prosecution's case is based on circumstantial evidence. Whether the applicant and deceased had dispute about money is a part of trial and will have to be proved by leading evidence. Applicant is behind bar for more than two years and ten months. Investigation is completed and charge-sheet has been filed. It may take time to conclude the trial.

7. Considering the above facts, applicant's further detention is not required, hence I pass following order :

ORDER

- (i) Applicant be enlarged on bail in Crime No.675 of 2020 registered with Hinjewadi Police Station, Pune, 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 Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
 - (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
 - (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
8. The application is allowed in the aforesaid terms and is accordingly disposed off.

9. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

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

(SHIVKUMAR DIGE, J.)