

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

CRIMINAL BAIL APPLICATION NO. 3934 OF 2022

Rajmani @ Raju Prakash Murlidhar	...Applicant
Versus	
State Of Maharashtra	...Respondent

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

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th SEPTEMBER 2023.

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P.C. :

1. By this application, applicant is seeking bail in C.R. No. 830 of 2021 registered with Kandivali Police Station, Mumbai for offences punishable under Section 302, 201 and 120-B of Indian Penal Code (for short "IPC").
2. It is prosecution's case that on 24th September, 2021 at about 4:00 a.m., when the complainant woke up to answer the nature's call and went to public toilet, he found that a man was lying there in a pool of blood wearing just a black pant. There were cut

injuries on both sides on his head and blood was oozing out of the same. He saw various cuts and strangulation injuries on other parts of the body of deceased, like neck, eyes, head and chest. The incident was informed to the police. Accordingly, FIR was lodged against unknown persons. In investigation, police arrested applicant and co-accused.

3. It is contention of learned counsel for the applicant that, there is no direct evidence against the applicant. The recoveries which shown at the instance of applicant are in fact it is a joint recovery from applicant and other co-accused Vinayak Chauhan. Accused is behind bar for almost two years. Hence, requested to allow the application.

4. It is contention of learned APP that, it has come in the statement of witnesses that, the applicant is short tempered and on simple ground, he would quarrel with other persons. At the instance of applicant wire and two wooden planks are seized. If applicant is released on bail, he may threaten prosecution witnesses. Hence, requested to reject the application.

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

6. Initially, FIR was lodged against the unknown persons. During the course of investigation, applicant and co-accused have been arrested in connection with the death of deceased. It is alleged that, at the instance of applicant, two wooden planks and wire used in the crime are recovered. The recovery panchnama shows that, there were disclosure statements of applicant and other co-accused, it appears from record there were stab injuries on the body of deceased, no knife is recovered. Investigation is completed and charge sheet has been filed. Applicant is behind bar almost two years.

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

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

ORDER

(i) Applicant be released on bail in Crime No. 830 of 2021 registered with Kandivali 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.

(iv) The application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)