

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

BAIL APPLICATION NO.1937 OF 2024

Shankar Jimadar Mohto

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Tapan Thatte a/w Mr. Vivek Arote, for the Applicant.

Mr. Shriram S. Chaudhari, APP, for the Respondent-State.

Mr. Ajit Borate, Police Constable, Shirwal Police Station, District-Satara, present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 14 JUNE 2024

P. C.:

1. Heard Mr. Thatte, learned Counsel for the Applicant and Mr. Chaudhari, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:

1.	C.R. No.	379 of 2023
2.	Date of registration of F.I.R.	26/12/2023
3.	Name of Police Station	Shirwal, District-Satara
4.	Sections invoked	302, 201 & 109 of the <i>I.P.C., 1860</i>
5.	Date of incident	21/11/2023
6.	Date of arrest	26/12/2023
7.	Date of filing Charge-sheet	22/03/2024

3. The Applicant is Accused No.1. The Accused No.2 is the sister of

the present Applicant i.e. Accused No.1. The deceased was the sister of both, the present Applicant and the Accused No.2.

4. As per the prosecution case, the deceased-Ms. Manishakumari Jimadar Mohto, sister of the Accused was in a relationship with one Mr. Rahul Kumar. The family of the Applicant was against the said relationship. As per the prosecution case, the deceased was killed by the Accused No.1.

5. It is the contention of Mr. Thatte, learned Counsel for the Applicant that the case is of circumstantial evidence. The only circumstance against the Applicant is that the Applicant was last seen together with the deceased and that the location of the Applicant and the deceased obtained from the cellular tower was matching. He submitted that the allegation is that the family of the Applicant was against the relationship of the deceased with one Mr. Rahul Kumar and therefore the offence in question took place. He submitted that there are no other antecedents against the Applicant. The case is of circumstantial evidence and therefore the Applicant be enlarged on bail.

6. On the other hand, Mr. Chaudhari, learned APP strongly opposed the Bail Application. He submitted that circumstances that the Applicant was last seen together with the deceased and the matching of their cellular tower location are incriminating circumstances. He submitted that the cell phone of the deceased was recovered at the instance of the

present Applicant. He therefore submitted that the Applicant be not released on bail. Mr. Chaudhari, learned APP, on instructions, states that there are no other antecedents against the Applicant.

7. Perusal of the record shows that the incident in question took place on 21st November 2023, F.I.R. was lodged on 26th December 2023 and the Charge-sheet was filed on 22nd March 2024. As per the Charge-sheet, there are about 32 witnesses proposed to be examined by the prosecution. Till date, the charge is also not framed. Accordingly, the trial will take a considerably long time to conclude.

8. The case is of circumstantial evidence.

9. The Applicant does not have any criminal antecedents.

10. The Applicant does not appear to be at risk of flight.

11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

12. In view thereof, the following order:

ORDER

(a) The Applicant – Shankar Jimadar Mohto be released on bail in connection with C.R. No.379 of 2023 registered with the Shirwal Police Station, District-Satara on his furnishing P. R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the

Investigating Officer and shall keep the same updated, in case of any change thereto.

- (c) The Applicant shall report to the Shirwal Police Station, District-Satara once in a week i.e. on every Sunday between 11.00 a.m. and 1.00 p.m. till completion of the trial.
- (d) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this order.

[MADHAV J. JAMDAR, J.]