

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.539 OF 2024

Kishor Pramod Sahe @ ..... Applicant  
Kamal Kishore Sahu

V/s.

The State of Maharashtra ..... Respondent

NILAM  
SANTOSH  
KAMBLE

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Mr.Gaurav Bhawani, for the Applicant.  
Mr.K.C. Shinde, APP, for the Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 3<sup>rd</sup> APRIL 2024

P.C:-

1. By this Application, Applicant is seeking bail in C.R.No. 297 of 2021 registered with V.B.Nagar Police Station, Mumbai for the offences punishable under Sections 364, 302, 328, 201, 202, 212 read with 34 of Indian Penal Code (for short "IPC").

2. It is the prosecution's case that complainant, sister of deceased had lodged missing complaint of her brother Kotya with police as he was not traceable. In investigation, it was revealed that, Applicant along with co-accused murdered the deceased

Kotya by giving sleeping pill in his tea and he was stabbed him to death. In investigation it was revealed that Applicant and other co-accused stabbed the deceased Kotya.

3. It is contention of the learned counsel for the Applicant that Accused No.4 has been released on bail by this Court against whom allegations are that in her house the body of the deceased was buried. The learned counsel further submitted that the allegations against the present Applicant are that he carried the dead body of the deceased and tried to dispose it of with other co-accused. There is no recovery at the instance of the Applicant. The Applicant is behind bar more than 2 and ½ years. The charges have not been framed, trial has not been started. The Applicant is ready to abide any conditions imposed by this Court. Hence, requested to allow the Application.

4. The learned APP submitted that Applicant along with other accused murdered the deceased. The role attributed to the Applicant is that he caught hold the deceased and stabbed the deceased as also other co-accused stabbed him. If the Applicant is released on bail, he may abscond. Hence, requested to reject the

Application.

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

6. In the statement before Police the witness Priyanshu Nair stated that he had seen the Applicant along with other accused and he saw the dead body of the deceased were coming by them. He was saw injuries on the shoulder of the Applicant and he asked him the cause of injury. Except statement of this witness there is no evidence against the Applicant. There is no recovery at the instance of the Applicant. To prove the role of the Applicant in the said crime evidence is required. The Applicant is behind bar more than 2 and ½ years. Yet charges have not been framed.

7. Considering the above facts, further detention of the Applicant is not required and I pass following order.

### **ORDER**

(i) Applicant be enlarged on bail in C.R.No. 297 of 2021 registered with V. B.Nagar Police Station 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 of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) Applicant shall inform her 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.

(v) The Application is allowed in the aforesaid terms and is accordingly disposed of.

(vi) All concerned to act on the authenticated copy of this order.

**(SHIVKUMAR DIGE, J.)**