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

BAIL APPLICATION NO.1169 OF 2024

ARJUN GAJANAN MANGE	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Gaurav Parkar for the applicant.
Mr. B. B. Kulkarni, APP for the State.
ASI R. S. Dusane, Karjat Police Station, Raigad.

CORAM : M. S. KARNIK, J.

DATE : APRIL 15, 2024.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 302, 201, 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 19.04.2022 vide C.R. No.120 of 2022 with Karjat Police Station.
- 3.** This is a second application for bail. By an order dated 21.08.2023 earlier bail application No.1673 of 2023 filed by the applicant was withdrawn with liberty to file fresh application after six months. The date of the incident is 18.04.2022. The applicant was arrested on 19.04.2022.

4. The prosecution case is that on 18.04.2022, the father and mother of the deceased left their house at 10:30 a.m. as the mother of the deceased was unwell. The mother of the deceased was taken to the government hospital at Ambivali for treatment. The mother of the deceased sought treatment at the said hospital and returned back home at 1:30 p.m. The deceased was not seen at home. The father and mother of the deceased tried to enquire about the whereabouts of the deceased. One person Mahadu Mange informed the father of the deceased that she was lying unconscious under a tree. They brought the victim home and tried to bring the victim back to conscious state with the help of some home remedies. The deceased thereafter was taken to the hospital post 9:30 p.m. The victim was declared dead. The father of the deceased suspect the involvement of the present applicant as the applicant and the deceased were in a love relationship for the past one year. The motive alleged is that as the applicant and the deceased were related, the father of the deceased had asked the applicant not to continue with the relationship.

The cause of death is due to neck compression causing asphyxia.

5. Learned APP opposed the application for bail.

6. The material against the applicant is in the form of extra judicial confession recorded in the Section 161 Cr.P.C. statement of the witness – Sharad Pandurang Mange. However, in the Section 164 Cr.P.C. statement, the said witness – Sharad Pandurang Mange does not mention anything about the extra judicial confession. Apart from that it is the prosecution case that there is a recovery of a scarf (dupatta) belonging to the deceased at the instance of the father of the applicant. It is the prosecution case that it is the applicant who had asked his father to destroy the evidence. The applicant's father has been enlarged on bail. The case is based on circumstantial evidence.

7. The applicant is in custody since 19.04.2022 almost for a period of two years. There are no criminal antecedents reported against the applicant. The investigation is complete. The charge-sheet is filed. In the facts and circumstances of the present case I am inclined to enlarge

the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant—Arjun Gajanan Mange in connection with C.R. No.120 of 2022 registered with Karjat Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant to report to the Investigating Officer of Karjat Police Station once in six months every first Monday of the concerned month between 11:00 a.m. and 1:00 p.m. commencing May 2024.
- (e) 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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) Except for the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of Dhotrevadi which is situated in Ambivali, Taluka Karjat, District Raigad till further orders of the trial Court.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

8. The bail application is disposed of.

(M. S. KARNIK, J.)