

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

CRIMINAL BAIL APPLICATION NO. 2455 OF 2023

Mohanlal Ganaram Chaudhari ...Applicant

Versus

State Of Maharashtra ...Respondent

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Mr. Sandeep Satkar, Advocate for the Applicant.

Ms. Sangita Phad, APP for Respondent-State.

PSI, Madane, NRI Sagari Police Station.

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CORAM : PRAKASH D. NAIK, J.

DATE : 6th MARCH, 2024.

P.C.:

1. This is an application for bail. The previous application was rejected by this Court vide Order dated 21st October, 2022.

2. The Applicant is seeking bail in connection with C.R. No.211 of 2021 registered with NRI Sagari Police Station for offences punishable under Sections 302 and 201 of the Indian Penal Code.

3. The First Information Report was registered on 4th September, 2021 alleging that the first informant, who is working as Police Naik received information while patrolling that one dead body is lying at Ulwe. The first informant and others went to the spot and found decomposed body of male person. It was removed

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from the spot. The deceased was around 70 to 80 years old. The FIR was registered against unknown person.

4. During the course of investigation, the Applicant was arrested. On completing investigation charge-sheet was filed.

5. Learned Advocate for the Applicant submitted that the Applicant is in custody from 6th September, 2021. The case is based on circumstantial evidence. There is no progress in the trial. CCTV footage does not show the presence of the Applicant. Pen Drive of CCTV footage is provided to the Applicant which does not show the involvement of the Applicant in the crime. The station diary recorded by the Police indicate that the son of the deceased has informed the Police that the deceased was missing from 3:15 p.m. The CCTV footage contradicts the said complaint. The Panchanama of CCTV footage indicate that the footage is not clear. There are no criminal antecedents against the Applicant. Bail may be granted to the Applicant.

6. Learned APP submitted that there is no change in circumstance. Previous application was rejected by this Court vide Order dated 21st October, 2022. There is sufficient evidence against the Applicant. Panchanama of CCTV footage recorded during the investigation shows the involvement of the Applicant. The version

of the Applicant cannot be considered at this stage. Charge has been framed against the Accused on 9th February, 2024. The next date before the trial Court is 14th March, 2024. Hence, the application may be rejected.

7. Previous application was rejected on merits. While rejecting this application, this Court has considered the Panchanama of CCTV footage and the incriminating evidence against the Applicant. Charge is framed. The trial is likely to commence. No case is made out for grant of bail.

ORDER

- i. Criminal Bail Application No.2455 of 2023 is rejected;
- ii. Trial is expedited.
- iii. In the event, the trial is not concluded within six months, the Applicant is granted liberty to move an application for bail.
- iv. Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)