

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2754 OF 2024

Kumar Madhumurti Devendra ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr Ajay Pal i/b A.M.Saraogi, Advocate for Applicant

Mr Pandurang H. Gaikwad-Patil, APP for the State.

PSI Ms Prajakta Patil, Palghar Police Station

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CORAM : ANIL S. KILOR, J.

DATED : OCTOBER 18, 2024.

PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.34 of 2022, registered with Palghar Police Station, District: Palghar for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code.
3. The learned counsel for the applicant argues that the case is based on the circumstantial evidence i.e. 'last seen' and since there is no direct evidence he may be released on bail.

4. On the other hand, the learned APP strongly opposed the application and points out that the sufficient incriminating material is available against the applicant.
5. Having gone through the charge-sheet and the relevant material available on record, it is evident that the CCTV footage of the Petrol Pump was collected by the Investigating Officer in which the deceased, accused No.1 and the present applicant were seen. Furthermore, there is a CCTV footage which shows that while returning back the deceased was not with the accused No.1 and the applicant. It has come in the statements of the witnesses that there was a love affair between the accused No.1 and the deceased and there was also a motive for the accused No.1 to eliminate the deceased. The applicant was seen with the deceased and the accused No.1 just before the alleged incident and after the incident with the co-accused only in the CCTV footage.
6. In the circumstances, considering the sufficient incriminating material available against the applicant to show his complicity in the offence, which is a very serious offence, I am not inclined to grant bail, hence, it is **rejected**.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)