

Exh. 05 in SC No. 224/2020 1

MHCC050021202020



**IN THE COURT OF SESSION AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI**

ORDER BELOW (EXH. 05) IN SESSIONS CASE No. 224 OF 2020

Sapan Paresh Ruidas,

Age : 29 yrs., Occupation : service,

R/o : Navjeevan Chawl, Ganesh Nagar,

Rawal Pada, Dahisar East, Mumbai 400 068

..Applicant

Vs

The State of Maharashtra

(through Dahisar Police Station)

..Respondent

Ld. Adv. Arvind Yadav, for the applicant.

Ld. APP Sachin Jadhav, for the State/respondent.

**CORAM : SHRI S. U. BAGHELE,
ADDITIONAL SESSIONS JUDGE,
COURT ROOM NO.09.**

DATE : 21st August, 2021

ORDER

This is an application for releasing the applicant/accused on bail.

2 Perused the application and the say filed thereon.

3 Heard the learned counsel for the applicant/accused and the learned APP for the State.

4 It is submitted by the learned counsel for the applicant/accused that there is no evidence against the applicant. No approximate time of the incident is given, nor the date, on which the deceased was seen is given. There is no eye witness. No finger prints are shown. There are no criminal antecedents against the applicant. He placed his reliance upon the following authorities :

Pradeep Shivaji Shinare Vs The State of Maharashtra in Application No. 1844 of 2012 (for Bail), decided by the Hon'ble High Court of Judicature at Bombay on 11th December, 2012, wherein there was an assault made by five persons, and except one compound fracture, other injuries were simple in nature. The accused therein was enlarged on bail, by considering the injuries.

Namdev Shankar Patil Vs The State of Maharashtra in Anticipatory Bail Application No. 1385 of 2018, decided by the Hon'ble High Court of Judicature at Bombay on 19th December, 2018, wherein the accused was enlarged on bail, when there was no evidence to show the involvement of the accused.

Balkrishna Tukaram Angre Vs The State of Maharashtra in Criminal Appeal No. 1704 of 2017, decided by the Hon'ble Apex Court on 22nd September, 2017, wherein bail was granted, after hearing the learned counsel for both the sides, in the case, which rested on circumstantial evidence.

Santosh Narayan Suryaji Vs The State of Maharashtra in Bail Application No. 1783 of 2019, decided by the Hon'ble High Court of Judicature at Bombay on 28th August, 2019, wherein bail was granted, when there was no circumstantial evidence, except the relationship between the accused persons.

Siddanth Dnyaneshwar Ganore Vs The State of Maharashtra in Criminal Bail Application No. 734 of 2018, decided by the Hon'ble High Court of Judicature at Bombay on 3rd April, 2019, wherein bail was granted, when the only circumstance against the accused was of last seen together. It was further observed that the absconding of the accused was a weak link in the chain of circumstances.

Suraj Vitthal Jagdale Vs The State of Maharashtra in Bail Application No. 1058 of 2021, decided by the Hon'ble High Court of Judicature at Bombay on 13th August, 2021, wherein the accused was enlarged on bail, by considering the nature of evidence. The accused therein was around 20 years old and a student, at the time of the incident.

5 Per contra, it is submitted by the learned APP that the applicant had run away, after the incident. He was seen entering into the building, in the CCTV footage. A mobile handset and certain ornaments of the deceased are found with the applicant.

6 As per the FIR, the deceased was found dead at her residence on 29/12/2019. The applicant was seen entering into and going out of the said building on 28/12/2019 and 29/12/2019. In the CCTV footage of 28/12/2019, the deceased was seen to be wearing a chain and *mangalsutra*, whereas the same were missing, when she was found dead. The applicant was learnt to have left for his native place, out of the State, 30/12/2019.

7 It is not disputed that the deceased and the applicant were in relationship. The applicant entered into the building of the deceased on

29/12/2019, means on the date on which, the deceased died. The cause of death, as per the medical evidence, was the possibility of using smooth things to compress her neck and mouth. The fleeing away of the applicant on the very next day to his native place, is one prima facie circumstance against him. As per the say filed by the police, the mobile handset of the deceased was recovered from the applicant. Apart from the same, the ornaments of the deceased were also recovered, on the basis of the disclosure statement made by the applicant.

8 Thus, there is prima-facie evidence against the applicant, to show his involvement in the crime, which is serious in nature.

9 The facts and circumstances in the authorities relied upon appear to be different vis-a-vis the case at hand.

10 Considering the gravity of the crime and the prima facie involvement of the applicant therein, the applicant does not deserve to be enlarged on bail. Thus, I proceed to pass the following order :

ORDER

Criminal Bail Application (Exh. 05) is hereby rejected and disposed of accordingly.

Sd/-

(S. U. BAGHELE)

Dt. 21/08/2021

Additional Sessions Judge,
Borivali Div., Dindoshi, Mumbai

Dictated on	:	21/08/2021
Transcribed on	:	21/08/2021
Signed on	:	21/08/2021

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

21/08/2021 at 5.22 p.m.
UPLOAD DATE AND TIME

Mrs. S.B. Vichare
NAME OF STENOGRAPHER

Name of Judge (with Court room no.)	HHJ Shri S. U. Baghele, City Civil & Sessions Court, Borivali Div., Dindoshi, Mumbai (C.R.No. 09)
Date of Pronouncement of JUDGEMENT/ORDER	21/08/2021
JUDGEMENT/ORDER signed by P.O. on	21/08/2021
JUDGEMENT/ORDER uploaded on	21/08/2021