



investigation, sickle was recovered from the applicant. On completing investigation, charge-sheet was filed.

3. Learned counsel for the applicant submitted that the entire case is based on circumstantial evidence. There is no cogent evidence against the applicant. He is in custody from the date of arrest. There are no criminal antecedents against him. The relationship between the applicant and deceased was cordial. The recovery under Section 27 cannot be relied upon, as statement mentions that the knife was used in commission of crime and what is recovered is of sickle. The statement of maker of sickle has not been recorded. The statement of the person who sold alleged sickle to the applicant has been recorded, but there is discrepancy in the identification of the accused, as the accused was shown to him at the police station, without conducting identification parade. The tower location of the applicant would at the most show presence of applicant at Kurla, Mumbai – 400 070. Whereas, body of the deceased was found at Ghatkopar, Mumbai – 400 086.

4. Learned APP submitted that there is strong motive for the applicant to commit crime. The CDR shows that there were several calls between the applicant and deceased on the date of incident. The tower location shows that the applicant was present at

the place of incident with deceased. The statement of the person who sold the sickle to the applicant shows the complicity of the applicant in the crime. He has identified applicant. Learned APP further submitted that the CCTV footage showed that the applicant had consumed juice at the shop situated at Sion, Mumbai – 400022. Shop owner has identified the applicant. Thus there is strong evidence against the applicant.

5. Undisputedly, the case is based on circumstantial evidence. Although, body was found on the footpath at Ghatkopar, there is no eye witness to the incident. There is discrepancy in the statement leading to recovery as pointed by learned counsel for the applicant. The alleged discovery statement mentions that the accused is willing show the knife used in crime and sickle was recovered. On perusal of the police report with regards to tower location, it does not appear that the applicant was at Ghatkopar. The tower location does not indicate that the applicant was at Ghatkopar at the time of incident. The prosecution is also relying upon the CDR to show that there were calls between the applicant and the deceased. Since deceased was daughter of the applicant no adverse inference can be drawn with regards to such calls. The person who had allegedly sold sickle to applicant has identified accused at police station. No identification parade was conducted.

6. In the above circumstances, the applicant cannot be detained further and, case for grant of bail is made out.

7. Hence, I pass the following Order:

**ORDER**

- i) Bail Application No. 314 of 2020, is allowed;
- ii) The applicant is directed to be released on bail in connection C.R. No. 429 of 2019 registered with Ghatkopar Police Station, Mumbai on executing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall report concerned police station once in a month on every first Saturday between 11.00 am. to 1.00 pm. till further order.
- iv) The applicant is permitted to furnish provisional cash bail in the sum of Rs. 25,000/- (Twenty Five Thousand) in lieu of surety for the period of 12 weeks;
- v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)