

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.474 OF 2015

Arun Nilkanth Khade	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Kuldeep Nikam, for the Applicant.
Ms. Veera Shinde, APP for Respondent – State.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: JUNE 24, 2015

P.C.:

. The application is moved for bail. The applicant/accused is in prison for the offences punishable under Sections 302 and 377 of the Indian Penal Code in C.R. No. 114 of 2014 registered with Miraj City police station, Sangli.

2. It is the case of the prosecution that, one Sameer was found murdered by strangulation on 23rd June, 2014. The incident has taken place on the night intervening 22nd and 23rd June, 2014. Sameer was allegedly murdered by the applicant/accused due to the dispute keeping

homo-sexual relationship. From June, 2014 the applicant/accused is in the prison. Hence, this application.

3. The learned counsel for the applicant/accused submitted that the applicant/accused has not committed any offence. Assuming as per the case of the prosecution the applicant/accused is a victim of the circumstances but he was forced to keep the homo-sexual relationship by the deceased and therefore he was outraged. However, the applicant/accused is innocent. There is no sufficient evidence against the applicant/accused except the statement of a witnesses on the point of homo sexual relationship. He further submitted that the applicant/accused when he was in lock up, tried to commit suicide as he could not bare the pressure of the charges. He prays for bail.

4. The learned prosecutor opposed this application. She relied on the statements of the witnesses especially the evidence of last seen together.

5. The statements of the witnesses disclose that there was pressure on the applicant/accused to keep homo-sexual relationship with the deceased. The applicant/accused tried to commit suicide when he was

in the prison. It is a case of murder and there is evidence of last seen together. Under such circumstances, I am not inclined to grant bail at this stage. However considering the reasons behind murder the applicant is given liberty to move application for bail after nine months, if trial is not commenced.

6. Hence, rejected.

(MRS.MRIDULA BHATKAR, J.)