

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2036 OF 2018

Atul Nathrava Musale	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Sumant Deshpande, i/b Styavrat Joshi, for the Applicant.
Smt. Rutuja Ambekar, APP for the State/Respondent.

CORAM: A. S. GADKARI, J
DATED: 12th December, 2018

PC:-

1. This is an application under Section 439 of Criminal Procedure Code for bail in CR No.324 of 2018 dated 24th March, 2018 registered with Lonikand Police Station, Pune (Rural), under Sections 302, 201 read with 34 of Indian Penal Code.

Heard the learned Counsel for the Applicant and the learned APP. Perused the charge sheet.

2. Prosecution case in brief is that, the applicant and other two co-accused namely Pramod Kashid and Atul Musale were having monetary transactions with deceased Datta Ram Bhosale. There used to be altercations amongst them over the said monetary transactions after consuming liquor. It is alleged

that, on 24th March, 2018 at about 10.30 am. the accused persons committed murder of Datta Bhosale by assaulting him with knife on his throat. During the course of investigation, the applicant came to be arrested on 28th March, 2018 and after completion of investigation, police have submitted charge-sheet.

3. Perusal of the charge-sheet would indicate that it is the accused no.1 Pramod Kashid from whom the recovery of knife is effected under Section 27 of Evidence Act. As far as the present applicant is concerned, *priam facie*, it appears that, there is no legally admissible evidence against him to connect him with the present crime. In view thereof, the applicant can be released on bail. The learned Counsel for the applicant submitted that there are no criminal antecedents against the applicant.

4. Hence the following order:

(i) The Applicant be released on bail in CR No.324 of 2018 dated 24th March, 2018 registered with Lonikand Police Station, Pune rural, under Sections 302, 201 read with 34 of Indian Penal Code, on his furnishing P.R. bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) The Applicant is directed to attend the Lonikand Police Station, on every first Monday of the month between 10.00 am. and 12.00 noon. till conclusion of the trial.

(iii) The Applicant shall attend all the dates before the Trial Court.

(iv) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

5. Application is allowed in aforesaid terms.

[A. S. GADKARI, J.]