

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Criminal Bail Application No. 1327 of 2021

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Krushna Anil Kumbhar

... Applicant

v/s.

State of Maharashtra

... Respondent

Mr. Amit Singh for the applicant.

Mr. A.R.Kapadnis, APP for the State.

CORAM : NITIN W. SAMBRE, J.

11th October 2021

P.C.

On November 5, 2019 applicant came to be arrested in Crime No.441/2019 punishable under Section 302 r/w Section 34 of the Indian Penal Code, 1860 and Sections 3,25 of Arms Act,1959 and Section 37(1) and Section 135 of the Bombay Police Act, 1951.

2. The prosecution story against the applicant appears to be that Saleem fired from his illegal weapon towards Anand Sonawane who was having inimical terms with the applicant.

3. The role attributed to the applicant from the statement of eye witness is only that of physical presence on the site of the incident. No specific supporting role is attributed to the applicant as can be inferred from the statements of Amol and Sagar who claimed to be an eye witness to the incident and friends of the deceased.

4. As such even if there was a history of applicant having inimical terms, there is no material to infer any conspiracy at the behest of the applicant to murder deceased Sonawane. Atleast the IO has not invoked any provisions of Section 120B of the IPC for the offence in question. As the chargesheet in the matter is already filed and there are no criminal antecedents as scheduled under Section 302, a case for grant of bail is made out.

5. In that view of the matter, the application is allowed on following terms and conditions :

i) The applicant be released on bail in Crime No. I-441 of 2019, registered at Vithalwadi Police Station, Ulhasnagar for the offences punishable under Sections 302 r/w 34 of the IPC and Sections 3,25 of Arms Act and Section 37(1) and Section 135 of the Bombay Police Act on furnishing P.R. bonds in the sum of Rs.25,000/- with one or more sureties in the like amount.

ii)The applicant shall neither influence the prosecution witnesses in any manner nor tamper with the evidence.

iii) The applicant shall not enter jurisdiction of the Police Station till conclusion of trial.

6. The Application stands disposed of in the above terms.

(NITIN W.SAMBRE, J)

Lata Panjwani, P.S.