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

BAIL APPLICATION NO. 3510 OF 2021

Mr. Arun Dhanaji Veer ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr.Kuldeep Patil i/b. Mr. Paras Yadav for the Applicant.

Mr. H.J. Dedhia, APP for the Respondent -State.

.....

CORAM : V.G.BISHT, J.

RESERVED ON : 29TH NOVEMBER, 2021

PRONOUNCED ON : 13TH DECEMBER, 2021

PC:-

1. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No. 591 of 2019 registered with Karveer Police Station, Kolhapur for the offence punishable under Sections 302 and 201 of the Indian Penal Code (the IPC).

2. Deceased Dhanaji was the father of applicant. As the applicant was fed up because of harassment meted out to him at the hands of deceased father, he decided to do away his

life. Accordingly, in the intervening night of 3rd December, 2019 and 4th December, 2019, the applicant throttled his father to death. Cremation of the deceased was also performed. However, the relatives and others started suspecting and the applicant realized his mistake and therefore, on 13th December, 2019, the applicant confessed to his relatives about crime committed by him and himself went to the police station and lodged complaint.

3. Mr. Patil, learned Counsel for the applicant, submits that till last rites were performed, there was no complaint from anybody including the relatives. It is only thereafter that the relatives and other started suspecting some foul play. It is alleged that the applicant gave extra-judicial confessions and admitted his guilt. According to learned Counsel, if the confessional part is removed, then there is absolutely no evidence to connect the applicant in alleged crime. In such circumstances, the applicant deserves to be enlarged on bail.

4. Mr.Dedhia, learned APP, on the other hand, submits that it was the applicant himself who had been to the police station and lodged complaint and thereby admitted his guilt. There being no merit in the application, the same is liable to be rejected.

5. Perused investigation papers. Needless to say, the First Information Report contains inculpatory statements. There are also extra-judicial confessions given to the prosecution witnesses. How much weightage is to be given to those extra-judicial confessions and inculpatory statements will be for the trial Court to decide. As of now, the whole case of prosecution rests on circumstantial evidence and in my considered opinion, the applicant has made out a case for bail. Hence, the following order :

ORDER

(i) Applicant- Arjun Dhanaji Veer shall be released on bail in C.R. No. 591 of 2019 registered with Karveer Police Station, Kolhapur on his executing

P.R. Bond in the sum of Rs. 20,000/- with one or two surety/ sureties in like amount.

(ii) The applicant shall not tamper with prosecution evidence.

(iii) The applicant shall attend the trial Court proceedings regularly.

(iv) Bail before the trial Court.

(v) It is made clear that the observations made herein are *prima facie* and the trial Court shall decide the case on its own merit, in accordance with law, uninfluenced by the observations made in this order.

(vi) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(vii) The application is allowed in the aforesaid terms and stands disposed of accordingly.

(V.G.BISHT, J.)