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

BAIL APPLICATION NO. 3152 OF 2021

Shri Sushant Jagadish Patil ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Umesh R. Mankapure for the Applicant.

Mr. Ameet A. Palkar, APP for the Respondent -State.

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CORAM : V.G.BISHT, J.

RESERVED ON : 30TH NOVEMBER, 2021

PRONOUNCED ON : 14TH 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. 277 of 2021 registered with Tasgaon Police Station, Sangli for the offences punishable under Sections 302, 201, 120 (b), 328 read with 34 of the Indian Penal Code (the IPC).

2. Informant is a police patil of village Nagaon, Kavathegaon. According to prosecution, accused Prashant Ashok Patil was in extra marital relationship with the wife of deceased, namely, Abhijeet Sudhakar Navpute. As the deceased was an obstruction in their relationship, the said accused decided to kill him. Accordingly, on 9th May, 2021 at about 11.00 a.m., the said accused invited deceased for liquor and after mixing cyanide in the liquor, offered deceased. Later on, the dead body of deceased was found. Informant accordingly lodged the First Information Report (FIR).

3. Mr.Mankapure, learned Counsel for the applicant, submits that the alleged offence is outcome of love affair between co-accused Prashant and the wife of deceased, namely, Nikita and the applicant is not concerned with them in any manner. Even the applicant is not named in the FIR . According to learned Counsel, it is only on the basis of extra-judicial confession given by co-accused Prashant Patil, the applicant came to be robed in. Investigation is completed.

The charge-sheet has been filed. There are no antecedents. In such circumstances, the applicant deserves to be enlarged on bail, argued learned Counsel.

4. Mr. Palkar, learned APP, on the other hand, does not dispute that except extra-judicial confession of co-accused Prashant Patil, there is no other material on record to connect accused with the offence. In such circumstances, an appropriate order may be passed.

5. Perused investigation papers. I have also gone through the statements of witnesses, namely, Shubham Rajendra Patil, Akshay Satish Naik and Amit Umaji Naik.

6. All these witnesses in their respective statements state that they were told by accused Prashant @ Sonya that he along with others including applicant committed the murder of Abhijeet. Since the so called extra-judicial confession is given by none other than the main accused against the

applicant, how much it carries the evidentiary value and how much weightage has to be given will have to be determined by the learned trial Court.

7. Moreover, extra-judicial confession by its very nature is a very weak piece of evidence and its admissibility and otherwise depends on host of factors. As of now, no *prima facie* evidence is forthcoming so as to point out the involvement of accused in the offence. Hence, the applicant deserves to be admitted on bail. Hence, the following order :

ORDER

(i) Applicant- Sushant Jagadish Patil shall be released on bail in C.R. No. 277 of 2021 registered with Tasgaon Police Station, Sangli on his executing P.R. Bond in the sum of Rs. 20,000/- with one or two surety/ sureties in like amount.

(ii) Bail before the trial Court.

(iii) 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.

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

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

(V.G.BISHT, J.)