

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 221 OF 2022

Ganesh Gopal Gaikwad ...Applicant
V/s.
The State of Maharashtra ...Respondent

Mr. Amit Solkar, for the Applicant.
Mr. Amit Palkar, APP, for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 14.12.2022.

PC. :

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 48 of 2021 registered at Shirol Police Station, for the offence punishable under Section 302 read with 34 of the Indian Penal Code.

3. The deceased was the aunt of the present applicant. There was some property dispute between the present applicant and deceased. According to the prosecution, on account of said dispute on 07/03/2021, the present applicant and his friend, who is juvenile assaulted the deceased by koyta and committed her murder.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The case is based on circumstantial evidence. *Prima facie* from the alleged extra judicial confession the incident does not appear to be premeditated. The applicant is in jail for more than one and half years. Considering the facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, following order is passed:

ORDER

- A) The Application is allowed.
- B) The applicant be released on bail in Crime No. 48 of 2021 registered at Shirol Police Station, for the offence punishable under Section 302 read with 34 of the Indian Penal Code, on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

[N.R.BORKAR, J.]