

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 788 OF 2022

Samadhan Dilip Choudhari ... Applicant

Versus

State of Maharashtra ... Respondent

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Mr. Satyavrat Joshi for the Applicant.

Ms. P.P. Shinde, APP for the State.

Mr. Mahesh Mohite, Asst. PI, Jath Police Station, Sangli, present.

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CORAM : N.R. BORKAR, J.

DATED : 10 NOVEMBER 2022

P.C. :-

. 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. 463 of 2019 registered at Jath Police Station, Sangli for the offence punishable under Sections 302, 364, 201 r/w. 34 of Indian Penal Code.

3. It is the case of the prosecution that the deceased had love affair with the sister of the present applicant. It is alleged that the present applicant was thus annoyed and on 20th December 2019 alongwith other co-accused committed murder of the deceased.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant has placed on record a copy of the order passed by this Court dated 14th December 2021 in Criminal Bail Application No.1117 of 2020 by which this Court has released the co-accused Sagar Vishnu Jamdade on bail. The learned Counsel for the applicant submits that the case is based on circumstantial evidence. It is submitted that there is no evidence to connect the applicant with alleged crime. It is thus submitted that applicant may be released on bail.

6. On the other hand, the learned APP submits that the applicant is involved in serious crime of murder. It is submitted that there is a recovery of incriminating material at the instance of the present applicant. It is further submitted that the present applicant is main accused and therefore, benefit of parity cannot be extended to him. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. Admittedly, the case is based on circumstantial evidence. The applicant is in jail for more than 2½ years. All other co-accused are released on bail. Considering the facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant - Samadhan Dilip Choudhari be released on bail in Crime No. 463 of 2019 registered at Jath Police Station, Sangli for the offence punishable under Sections 302, 364, 201 r/w. 34 of Indian Penal

Code on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(N.R. BORKAR, J.)