

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 935 OF 2022

Shri. Subhash Sadashiv Pawar ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Satyavrat Joshi i/b Mr. Nitesh J. Mohite, for the Applicant.

Mr. P.H. Gaikwad Patil, APP, for the Respondent/State.

Mr. Avinash Baburao Wadekar, PSI, Shirala Police Station, Sangli, present.

CORAM : N.R. BORKAR, J.

DATE : 15.12.2022.

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. 165 of 2021 registered at Shirala Police Station, District Sangli for the offences punishable under Sections 302 and 498(A) of the Indian Penal Code.

3. The deceased was the wife of the present applicant. According to the prosecution, the deceased had illicit relations with one Amar @ Amol Khot. According to the prosecution, due to said illicit relation on 08/05/2021, the present applicant 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 learned counsel for the applicant submits that the case

is based on circumstantial evidence. It is submitted that further detention of the present applicant is not warranted as the investigation is over and charge-sheet is filed.

6. The learned APP for the respondent/State submits that there is extra judicial confession. It is submitted that the applicant has brutally assaulted the deceased. It is submitted that considering the nature of offence, applicant may not be released on bail.

8. It appears that on the date of alleged incident the applicant and the deceased were married for more than ten years. Case is based on circumstantial evidence. 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. 165 of 2021 registered at Shirala Police Station, District Sangli for the offences punishable under Sections 302 and 498(A) of the Indian Penal Code on furnishing PR. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- C) The applicant shall attend the concerned Police Station once in a month i.e. on the first Saturday between 11.00 a.m. to 2.00 p.m. till the conclusion of trial.

[N.R.BORKAR, J.]