

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3805 OF 2021

Adhik Siddhu Hakke ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Satyavrat Joshi alongwith Mr. Nitesh Mohite instructed by Ms. Tanvi Tapkire for the Applicant.

Mr. A.R. Kapadnis, APP for the State.

Mr. Mahesh Jaysing Mohite, API, Jath Police Station, Sangli, present.

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CORAM : N.R. BORKAR, J.

DATED : 9 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. 177 of 2021 registered at Jath Police Station, Sangli for the offence punishable under Sections 302, 120(B) r/w. 34 of Indian Penal Code.

3. It is the case of the prosecution that the deceased had love affair with one Tejshree Kare, however, talks of marriage of said Tejshree were going on with the co-accused in the present crime namely Raju Lengre. It is alleged that the co-accused Raju Lengre was thus annoyed with the deceased and therefore on 15th April 2021, he alongwith present

applicant committed the 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 submits that the case of the prosecution is based on circumstantial evidence and the only incriminating material against the present applicant is recovery of blood stains jeans pant at the instance of the present applicant. It is submitted that investigation is over and the charge-sheet is filed and therefore further detention of the applicant is not necessary.

6. On the other hand, the learned APP for the State submits that the applicant is involved in serious offence of murder. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the charge-sheet. No direct motive is attributed to the present applicant. Admittedly, the case is based on circumstantial evidence. The only incriminating material against the present applicant is recovery of blood stains jeans pant at his instance. Considering the fact that the case is based on circumstantial evidence and as the investigation is over, I am inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant - Adhik Siddhu Hakke be released on bail in Crime No. 177 of 2021 registered at Jath Police Station, Sangli for the offence punishable under Sections 302, 120(B) r/w. 34 of Indian Penal Code on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)