

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 430 OF 2022**

Khandya @ Somnath Dattatray Gade ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Swaraj S. Jadhav a/w Mr. Vijay R. Garad for the Applicant.
Mr. P.H. Gaikwad, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 7 DECEMBER 2022

P.C. :-

This is an application under Section 439 of the Code of Criminal Procedure.

2. The applicant came to be arrested in Crime No. 391 of 2021 registered at Bharati Vidyapeeth police station for the offences punishable under Sections 302, 143, 147, 148, 149, of the Indian Penal Code and Section 4 r/w. 25 of Arms Act and Section 37(1)(3) read with Section 135 of the Maharashtra Police Act.

3. I have heard the learned Counsel for the applicant and learned APP for the Respondent-State.

4. The allegations against the present applicant are of providing three swords and an axe to the co-accused in the present crime, and according to the prosecution the said weapons were used for committing the murder of the deceased.

5. There are no allegations that present applicant had conspired with other co-accused to commit the murder of the deceased. As regards the alleged supply of the swords and axe, except the memorandum statement of co-accused there is no other substantive evidence against the present applicant. Considering these 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 shall be released on bail in Crime No. 391 of 2021 registered at Bharati Vidyapeeth police station for the offences punishable under Sections 302, 143, 147, 148, 149, of the Indian Penal Code and Section 4 r/w. 25 of Arms Act and Section 37(1)(3) read with Section 135 of the Maharashtra Police Act on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)