

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 433 OF 2022

Santosh M. Badiger ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Kedar J. Patil a/w. Ms Sakshi S. Kadam for the Applicant.
Ms M.M. Deshmukh, APP for the Respondent/ State.

CORAM : N.R. BORKAR, J.
DATE : 14.11.2022.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure, 1973 for grant of bail.
2. The applicant came to be arrested in Crime No. 23 of 2021 registered at Shahapur police station for the offence punishable under Sections 302, 120-B and 34 of the Indian Penal Code, 1860 (IPC).
3. The applicant is the accused No.3 in the aforesaid crime. It is the case of the prosecution that the deceased had illicit relations with wife of accused No.1. It is alleged that the accused had thus hatched the conspiracy and committed the murder of the deceased.

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 only incriminating material against the present applicant is the alleged recovery of mobile phone of the deceased at his instance and alleged extra judicial confession to one Mr. Laxmikant Natekar. It is submitted that the applicant is in jail approximately for two years and his further detection is not necessary as the investigation is over. It is accordingly, submitted that the applicant may be released on bail.

6. On the other hand, learned APP for the State submits that there is enough evidence to connect the applicant with alleged crime. It is submitted that the applicant therefore, may not be released on bail.

7. Admittedly, the case is based on circumstantial evidence. It is nor the case of prosecution that the present applicant is either the friend or relative of accused No.1 and therefore, he had helped the accused No.1 to commit the alleged crime. Considering these

facts and circumstances, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No. 23 of 2021 registered at Shahapur police station for the offence punishable under Sections 302, 120-B and 34 of the Indian Penal Code 1860 (IPC) 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.

C] The applicant shall attend the concerned police station once in a month, i.e., on first working Saturday between 11.00 a.m. to 4.00 p.m. till conclusion of the trial.

D] The Applicant shall not tamper with the prosecution evidence.

[N.R.BORKAR, J.]