

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.673 OF 2021

Appa Pandurang Pawar	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Milind Deshmukh, for the Applicant.
Ms. P. N. Dabholkar, APP for the Respondent/State.

CORAM : NITIN W. SAMBRE, J.

DATE : 27th SEPTEMBER, 2022

PC.

1. Applicant came to be arrested in Crime No.350 of 2014 for offence punishable under Section 302 r/w 34 of IPC.
2. The case of the prosecution is, in Sessions Case No.35 of 2015 pending on the file of Additional Sessions Judge, Baramati, applicant along with other co-accused visited the complainant for settlement of the said crime. Since the complainant refused to settle the matter, applicant along with co-accused murdered the father of the complainant by strangulation i.e. by using muffler.
3. Contentions of counsel for the applicant, Mr. Milind Deshmukh are, perusal of the FIR would depict discovery of the body on the spot of the incident. According to him, under Section 27 of the Evidence Act discovery is at later point of time only in regard to the body. He would urge that the entire case is based on circumstantial evidence and that being so, the applicant deserves to be released.

4. APP by relying on the order of this Court dated 5th February, 2019 would urge that the applicant's prayer for bail is liable to be rejected, as there are no change in circumstances.
5. The fact remains that the other co-accused are ordered to be released by this Court in Criminal Bail Application (St.) No.1773 of 2020 on 15th December, 2020 with an observation that there is hardly any material to connect applicants to the crime in question. The fact remains that the FIR speaks of discovery of body on the spot of the incident.
6. As such, the discovery under Section 27 of the Evidence Act of the body is insignificant.
7. In the event of arrest, applicant is directed to be released on bail on furnishing PR bond of Rs.25,000/- with one or more sureties in the like amount.
8. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence.
9. Applicant shall attend the Investigating Officer once in every month till the conclusion of trial.
10. The application as such stands disposed of.

[NITIN W. SAMBRE, J.]