

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1100 OF 2022

Ganpati Mahadev Hugar ... Applicant

Versus

The State of Maharashtra at the instance of
Umadi Police Station, Sangli ... Respondent

.....

Mr. Umesh Mankapure for the Applicant.
Mr. V.B. Konde-Deshmukh, APP for the State.

.....

CORAM : N.R. BORKAR, J.

DATED : 18 OCTOBER 2022

P.C. :-

1. 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. 144 of 2020 registered at Umadi Police Station, Sangli for the offence punishable under Sections 302, 120(B) r/w. 34 of Indian Penal Code.

4. The deceased was the brother of the present applicant. It is the case of the prosecution that there was a dispute between the deceased and the present applicant on account of partition of ancestral property and repayment of loan amount. It is alleged that the present applicant therefore hatched the conspiracy with other co-accused to commit murder

of the deceased and paid them Rs.2.50 lakhs. It is alleged that in furtherance of the said conspiracy on 25th July 2020 the present applicant and other co-accused committed murder of the deceased.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. Admittedly, the case is based on circumstantial evidence. There is no material to show that the applicant had paid Rs.2.50 lakhs to other co-accused except his own statement recorded under Section 27 of the Evidence Act, pursuant to which according to the prosecution, the applicant had shown place of conspiracy.

6. Considering the fact that the case is based on circumstantial evidence and the applicant is in jail for more than two years, I am inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant - Ganpati Mahadev Hugar be released on bail in Crime No. 144 of 2020 registered at Umadi 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 more sureties in the like amount.

(N.R. BORKAR, J.)