

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1076 OF 2022

Rakesh K. Sargar ...Applicant

V/s.

The State of Maharashtra ...Respondent.

Mr. Abhishek R. Avachat for the Applicant.

Ms M.M. Deshmukh, APP for the Respondent/ State.

CORAM : N.R. BORKAR, J.
DATE : 11.11.2022.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for grant of bail.
2. The applicant came to be arrested in C.R. No.414 of 2021 registered at Jath Police Station for the offence punishable under Section 302 read with 34 of the Indian Penal Code.
3. The applicant is accused No.2 in the aforesaid crime. It is the case of the prosecution that there was dispute between the deceased and the accused No.1 on account of some financial transaction. It is alleged that on account of said dispute on 11 August 2021, the present applicant along with accused No.1 committed the murder of deceased by some sharp weapons.
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 applicant is roped in just because he happens to be friend of accused No.1 and there is no evidence to connect him with alleged crime. It is submitted that the applicant is in jail for more than one year and his further detention is not necessary as investigation is over and the charge-sheet is filed. It is accordingly, submitted that the applicant may be released on bail.

6. On the other hand, the learned APP submits that there is recovery of bloodstained clothes and weapon at the instance of the applicant. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. Admittedly, the case is based on circumstantial evidence. The alleged motive is attributed to the accused No.1. The investigation is over. There are no other criminal antecedents. Considering these facts, 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.414 of 2021 registered at Jath Police Station for the offence punishable under Section 302 read with 34 of the Indian Penal Code 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.

[N.R.BORKAR, J.]