

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1249 OF 2022

Shri. Shivaji Ramu Kamble ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Shekhar A. Ingawale, Advocate, for the Applicant.

Mr. A.P. Kapadnis, APP, for the State.

CORAM : N.R. BORKAR, J.
DATE : 22.11.2022.

PC. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No. 350 of 2020 registered at Vadgaon Police Station, Kolhapur, for the offence punishable under Sections 302, 323, 504 read with 34 of the Indian Penal Code (in short IPC).

3. According to the prosecution, on the day of incident which took place on 01/10/2020, the deceased was going towards his field. On some trivial issue, altercations took place between the deceased and the wife of present applicant, who is co-accused in the present crime. It is alleged that during the said altercation, the present applicant and his wife strangulated the deceased and committed his murder.

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 has placed on record the order passed by this Court dated 15/02/2022 in Criminal Bail Application No. 3045 of 2021. This Court while releasing the wife of present applicant on bail has observed that *prima facie* there is no premeditation on the part of accused. *Prima facie* the case appears to be of culpable homicide not amounting to murder.

6. Considering the facts and circumstances of the case and the fact that the applicant is in jail for more than two years, I am inclined to release him on bail. In the result, the following order is passed:

ORDER

- A) The Bail Application is allowed.
- B) The applicant be released on bail in Crime No. 350 of 2020 registered at Vadgaon Police Station, Kolhapur, for the offence punishable under Sections 302, 323, 504 read with 34 of the I.P.C., 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 not stay within the limits of Taluka Hatkanangale, District Kolhapur, till conclusion of trial and shall seek permission of the Trial Court, if he is required to enter into the limits of Taluka Hatkananale.

[N.R.BORKAR, J.]