

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

CRIMINAL BAIL APPLICATION NO.1761 OF 2022

Natha Dada Lavate

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Ranjeet M. Pawar, for the Applicant.

Ms. P. N. Dabholkar, APP for the Respondent/State.

CORAM : NITIN W. SAMBRE, J.

DATE : 4th JULY, 2022

P.C.

1. The applicant/accused was arrested on 20th April, 2018 for an offence punishable under Sections 302 and 201 r/w 34 of the IPC in Crime No.103 of 2018 registered with Wai Police Station, District Satara.

2. This Court has rejected prayer of the applicant for grant of bail vide reasoned order dated 17th January, 2019.

3. Thereafter it appears that the main accused - Ajay, though discovery at his behalf under Section 27 of the Evidence Act was noticed, he was ordered to be released on 20th January, 2022 by this Court.

4. Apart from above, other co-accused, namely Ravindra was also ordered to be released by this Court vide

BGP.

order dated 27th September, 2018.

5. In the aforesaid background, learned APP has tried to distinguish case of the applicant with that of other co-accused. She has relied on the statement of witness i.e. Jeevan Mandhare recorded on 18th April, 2018 and 24th May, 2018, so also the CCTV footage. The fact remains that the discovery under Section 27 of the Evidence Act at the behest of the co-accused Ajay in categorical terms speaks that he having committed murder of the deceased.

6. It appears that the applicant was having illicit relation with deceased in spite of he being married. After the applicant got married, to get rid of the same, applicant with common intention appears to have murdered the deceased. The fact remains that the other two accused, particularly, co-accused against whom there is serious charge and sufficient material are already ordered to be released.

7. There does not appear to be any material to infer that but for charge under Section 34 of the IPC, the applicant has actively and physically participated in the commission of crime punishable under Section 302 of IPC.

8. In that view of the matter, case for bail is made out.

9. Apart from above, since last more than four years applicant is behind the bar and charge is not framed, case for grant of bail is made out.

10. That being so, applicant is directed to be released on bail on furnishing P. R. bond of Rs.25,000/- with one or more sureties in the like amount.

11. Applicant shall neither influence the witnesses nor tamper with the evidence in any manner.

12. Applicant shall attend trial regularly.

13. Two consecutive absence of the applicant without reasonable cause, may entail the Sessions Court to take out proceedings for cancellation of bail/issuance of non-bailable warrant.

[NITIN W. SAMBRE, J.]