

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1844 OF 2022**

Nitin Balaram Patil ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. B.K. Barve i/b Mr. Sanjay Patil for the Applicant.

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

Mr. Balasaheb Shekade, API Taloja Police Station Navi Mumbai,
present.

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CORAM : N.R. BORKAR, J.

DATED : 21 NOVEMBER 2022

P.C. :-

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

2. The applicant came to be arrested in Crime No. 360 of 2021 registered at Taloja police station for the offence punishable under Section 302, 324, 323, 504, 506 read with 34 of Indian Penal Code.

3 It is the case of the prosecution that on 6.12.2021 the present applicant alongwith other co-accused assaulted the deceased by koyta and committed his murder on account of dispute in relation to immovable property.

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 first informant has not attributed any overt act to the present applicant in his statement recorded under Section 164 of Code of Criminal Procedure. It is submitted that there is a dispute between the parties and therefore possibility of false implication cannot be ruled out. It is submitted that the applicant is in jail for more than 11 months and his further detention is not necessary as the investigation is over. The applicant be thus released on bail.

6. On the other hand the learned APP submits that the applicant was holding the hands of the deceased while he was being assaulted by other co-accused. It is submitted that the deceased was brutally assaulted and there are multiple stabs and incised injuries. It is accordingly submitted that considering the nature of offence the applicant may not be released on bail.

7. I have perused the statement of first informant. Perusal of the statement shows that the present applicant was holding the hands of the deceased while he was being assaulted by co-accused. The applicant and other co-accused are relatives of the deceased, still the

deceased was assaulted brutally as there are multiple injuries. I am therefore not inclined to release the applicant on bail. Hence, the following order is passed:

ORDER

Application is rejected.

The hearing of the trial is, however, expedited.

(N.R. BORKAR, J.)