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DATED : 5 DECEMBER 2022

P.C. :-

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. 39 of 2021 registered at Junner Police Station, District Pune for the offence punishable under Sections 302, 201 r/w. 34 of Indian Penal Code.

3. It is the case of the prosecution that the deceased and present applicant as well as co-accused Deepak Konde were friends. On the day of incident, which took place on 09/02/2021, at about 6.30 p.m. the altercation took place between the deceased and present applicant, as the present applicant had refused to give him money for consuming liquor. It

is alleged that again at about 9.00 p.m. the present applicant and the deceased started quarreling and during the said quarrel, according to the prosecution, the present applicant and co-accused Deepak Konde committed the murder of the deceased by strangulating him.

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. Prima facie the incident does not appear to be premeditated. Considering these facts, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Ganesh Dharma Muthe be released on bail in Crime No. 39 of 2021 registered at Junner Police Station, District Pune for the offence punishable under Sections 302, 201 r/w. 34 of Indian Penal Code on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station, once in a month i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

(N.R. BORKAR, J.)