

Versus

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Ms. Veera Shinde, APP for the State.

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DATED : 15 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. 55 of 2021 registered at Dadar Sagri Police Station, Raigad for the offences punishable under Sections 302 r/w. 34 of Indian Penal Code, Sections 3, 25, 27 of the Arms Act, 1959.

3. The deceased was the brother of father of present applicant, who is also co-accused in the present crime. There was dispute between parties on account of ancestral property. It is the case of the prosecution that on account of said dispute on 26 December 2021, the present

applicant and other co-accused came to the house of the deceased and at that time the father of present applicant was armed with rifle and from the said rifle he shot the deceased. The bullet hit the deceased at his chest and he died at the spot of incident itself.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant submitted that the learned Sessions Judge has released the father of the applicant who according to the prosecution allegedly killed the deceased. The learned APP has not disputed the said fact. No overt act is attributed to the present applicant in the alleged crime. 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 - Paresh Pandurang Patil be released on bail in Crime No. 55 of 2021 registered at Dadar Sagri Police Station, Raigad for the offences punishable under Sections 302 r/w. 34 of Indian Penal Code, Sections 3, 25, 27 of the Arms Act, 1959 on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)