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Mr. Vikrant V. Phatate for the Applicant.
Ms. A.R. Kapadnis, APP for the State.

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CORAM : N.R. BORKAR, J.
DATED : 14 OCTOBER 2022

P.C. :-

This is an application filed under Section 439 of Code of Criminal Procedure (for short Cr.P.C) for grant of bail.

2. The applicant came to be arrested in Crime No. 322 of 2019 registered at Akkalkot South Police Station for the offences punishable under Sections 302, 323, 112, 504, 506 read with 34 and 201 of the Indian Penal Code (IPC).

3. The deceased Duryodhan was the father of the present applicant. It is the case of the prosecution that there was a love affair between the present applicant and co-accused Devappa Pujari. It is alleged that present applicant and other co-accused committed the murder of the deceased, as he was against the affair of present applicant with the co-accused.

4. The case is based on circumstantial evidence. The only incriminating material is alleged extra-judicial confession of the present applicant to witness Maruti Dumagane. I have perused the statement of the said Maruti Dumagane recorded under Section 161 of the Cr.P.C. by the Investigating Officer and statement under Section 164 of the Cr.P.C. recorded by the learned Magistrate. The statement under Section 161 and 164 are completely different. The other co-accused including Devappa Pujari are already released on bail.

5. Considering the above facts and circumstances and as the investigation is over, I am inclined to release the applicant on bail. Hence, the following order is passed:

- i. The application is allowed.
- ii. The applicant shall be released on bail in Crime No. 322 of 2019 registered at Akkalkot South Police Station for the offences punishable under Sections 302, 323, 112, 504, 506 read with 34 and 201 of the Indian Penal Code (IPC) on furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)