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Mr. V.B. Konde Deshmukh, APP for the State.

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DATED : 28 NOVEMBER 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.367 of 2021 registered at Jat Police Station, Sangli for the offence punishable under Sections 302, 201 r/w. 34 of Indian Penal Code.

3. It is the case of the prosecution that on 17th July 2021 the present Applicant alongwith other co-accused assaulted the deceased Sandip Sutar and committed his murder as he was harassing the wife of co-accused Keshav Sutar. It is alleged that after committing the murder with intent to cause disappearance of the evidence, the dead body of the deceased was thrown in the canal.

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

5. The learned Counsel for the applicant submits that the statements of the alleged eye-witnesses are not consistent. It is submitted that medical evidence is also not consistent with the statements of the alleged eye witnesses. It is submitted that the investigation is over and the charge-sheet has already been filed. Considering these facts and circumstances, the applicant be released on bail.

6. On the other hand, the learned APP for the State submits that there are eye-witnesses to the incident. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the First Information Report and the statements of the alleged eye-witnesses. According to the first informant, the applicant and other co-accused were assaulting the deceased at 4.00 p.m. and at that time witness Ajit Chavan was with him. However, according to Ajit Chavan, the applicant and other co-accused were assaulting the deceased at 11.30 a.m. Another eye-witness stated at 1.30 p.m. Prima facie the statements of the alleged eye-witnesses are not consistent. No specific motive is attributed to the present applicant. 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 - Mahadev Jalindar Sutar be released on bail in Crime No.367 of 2021 registered at Jat Police Station, Sangli 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.

(N.R. BORKAR, J.)