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Ms. M. M. Deshmukh, APP for the State.

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DATED : 7 OCTOBER 2023

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 58 of 2022 registered at Radhanagari Police Station, District Kolhapur for the offences punishable under Sections 302, 504, 506 of the Indian Penal Code and Section 5/27 (1) of the Arms Act.

3. It is the case of the prosecution that, on the date of incident, which took place on 11 March 2022, at about 10.30 p.m., on some trivial issue altercation took place between the applicant, who at that time was serving in Indian Army and witness Jitendra Khamkar, in which it is alleged that the present applicant gave him life threats.

4. It is alleged that with a view to resolve the said dispute at about 11.30 p.m. the deceased, the complainant, witness Pawan Mole and witness Pandurang Karande came to the house of the present applicant. It is alleged that at that time altercation took place between them in which, present applicant assaulted the deceased by knife and committed his murder.

5. Prima facie, the incident does not appear to be premeditated. The applicant is in jail for more than one and half years and the trial has not yet commenced. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 58 of 2022 registered at Radhanagari Police Station, District Kolhapur for the offences punishable under Sections 302, 504, 506 of the Indian Penal Code and Section 5/27 (1) of the Arms Act on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)