



Darshan Patil

4-ba-57-23.odt

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 57 OF 2023

BHAGWAN ASHOK PATIL	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Mrs. Misbaah Solkar and Adv. Umang Shah for the
Applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 29, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 302, 201 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered vide C.R. No.359 of 2020 with Shil Daighar Police Station, Thane.
- 3.** The First Information Report is dated 21/07/2020. The applicant came to be arrested on 21/07/2020. There are in all four accused who are real brothers. The deceased is the

sister of the accused. It is alleged that the deceased after divorce was staying with the brothers. The prosecution case is that during an argument the deceased had with the applicant, the deceased poured hot oil on the applicant which enraged him. The deceased was assaulted with an iron rod by the applicant. The accused allegedly disposed the dead body by burning it.

4. Learned APP states that an earring was found near the burnt dead body.

5. The case rests on circumstantial evidence. All the co-accused have been enlarged on bail. The applicant, of course, can not claim parity, however, considering the fact that the case is entirely based on circumstantial evidence and that the applicant has been in custody for almost 3 years without any possibility of trial concluding any time soon, the applicant can be enlarged on bail. There are no criminal antecedents reported against the applicant. The investigation is complete and the chargesheet has been filed. The applicant does not appear to be a flight risk. There is no question of tampering with the evidence. Hence,

the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Bhagwan Ashok Patil in connection with C.R. No. 359 of 2020 registered with Shil Daighar Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall attend the Investigating Officer of the Shil Daighar Police Station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating

Officer and shall keep him updated, in case there is any change.

6. The application is disposed of.

(M. S. KARNIK, J.)