

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 75 OF 2023

Sandeep Shankar Mahadik ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Aniket Nikam alongwith Mr. Varad Ozarkar instructed by Mr. Amit Icham for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 17 MARCH 2023

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. 01 of 2022 registered at Paud Police Station, Pune for the offences punishable under Section 302 r/w. 34 of Indian Penal Code and Section 4 r/w. 27 of the Arms Act.

3. According to the prosecution, the co-accused Rajendra Mahadik had suspicion that his wife had illicit relation with the deceased. It is alleged that, thus on the date of incident, which took place on 1 January 2022, the present applicant and other co-accused assaulted the deceased by sharp weapons and committed his murder.

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

5. According to the prosecution, Mahesh Khandare is an eye-witness to the incident. However, his statement came to be recorded about 50 days after the date of alleged incident. According to him, he was scared. However, he appears to be a brother of the wife of the deceased and therefore, prima facie, it is unlikely that he would not disclose about the alleged incident to anybody else for such a long period. Apart from it, the alleged motive for the murder is not attributed to the present applicant. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Sandeep Shankar Mahadik be released on bail in Crime No. 01 of 2022 registered at Paud Police Station, Pune for the offences punishable under Section 302 r/w. 34 of Indian Penal Code and Section 4 r/w. 27 of the Arms Act, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station once in a month i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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