

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 280 OF 2022

Dipak G. Korade ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Shailesh Chavan a/w. Mr. Sachin Arude for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 20 JANUARY 2023

P.C. :-

1. 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. 39 of 2021 registered at Junner Police Station, District Pune for the offence punishable under Sections 302, 201 r/w. 34 of Indian Penal Code.

3. It is the case of the prosecution that the deceased, the present applicant and co-accused Ganesh Muthe were friends. On the day of incident, which took place on 09/02/2021, at about 6.30 p.m. the altercation took place between the deceased and co-accused Ganesh Muthe as he had refused to give him money for consuming liquor. It is alleged that again at about 9.00 p.m., the quarrel took place between the deceased

and co-accused Ganesh Muthe and during the said quarrel, according to the prosecution, the present applicant and co-accused Ganesh Muthe committed the murder of the deceased by strangulating him.

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

5. Admittedly, the case is based on circumstantial evidence. *Prima facie* the incident does not appear to be premeditated. 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 be released on bail in Crime No. 39 of 2021 registered at Junner Police Station, District Pune 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.
- (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 the trial.

(N.R. BORKAR, J.)