

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 365 OF 2022

Prathamesh Balu Shinde ... Applicant

Versus

State of Maharashtra ... Respondent

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Mr. Sudeep Pasbola alongwith Mr. Jitendra Sawant and Mr. Shailesh Chavan for the Applicant.

Mr. S.S. Hulke, APP for the State.

PC Sagar Kotwal, Wakod Police Station, present.

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CORAM : N.R. BORKAR, J.

DATED : 10 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. 484 of 2021 registered at Wakad Police Station, for the offence punishable under Sections 302, 506(II) r/w. 34 of Indian Penal Code, Sections 4 r/w. 25 of the Arms Act, 1959 and Sections 37(1), 37(3), 135 of the Maharashtra Police Act, 1951.

3. According to the prosecution, on 6 June 2021, the present applicant and the other co-accused assaulted the deceased by koyta and committed his murder on account of previous enmity.

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

5. The case is based on direct evidence. However, there is no reference of the present applicant in the statement of eye-witness Nandini Jain.

6. The learned APP submits that the deceased in his oral dying declaration to the first informant had disclosed the name of the present applicant as one of the assailants. However, as the eye-witness has not named the present applicant as one of the assailants, I am inclined to release him on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Prathamesh Balu Shinde be released on bail in Crime No. 484 of 2021 registered at Wakad Police Station, for the offence punishable under Sections 302, 506(II) r/w. 34 of Indian Penal Code, Sections 4, 25 of the Arms Act, 1959 and Sections 37(1), 37(3), 135 of the Maharashtra Police Act, 1951 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.)