

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 504 OF 2022**

Shubham Mahesh More

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Aniket Nikam a/w Mr. Piyush Toshnival a/w Mr. Aashish Satpute and
Mr. Amit Icham for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 21 APRIL 2023

P.C. :-

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. 162 of 2021 registered at Sarkarwada Police Station, Nashik for the offences punishable under Section 302 of the Indian Penal Code.

3. According to the prosecution, on the date of incident, which took place on 9 September 2021, the present applicant had asked the deceased to give match-box to light the cigarette. It is alleged that as the deceased had refused to give match-box, the applicant got annoyed and assaulted him by stone and committed his murder.

4. Prima facie, the incident does not appear to be premeditated. The applicant is in jail for more than one and half years. 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 shall be released on bail in Crime No. 162 of 2021 registered at Sarkarwada Police Station, Nashik for the offences punishable under Section 302 of the Indian Penal Code on furnishing PR 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.)