

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.973 OF 2022

Mahesh @ Hari Kishor Shigvan ... Applicant

Versus

State of Maharashtra ... Respondent

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Mr.Paras Yadav a/w Mr. Ravishankar B. Thombare for the Applicant.
Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 28 MARCH 2023

P.C. :-

1. This an Application filed under Section 439 of the Criminal Procedure Code, 1973 for bail.
2. The Applicant came to be arrested in Crime No.48 of 2018 registered with Nigdi Police Station, Pune for the offences punishable under Sections 302, 143, 147, 149, 506 of Indian Penal Code, 1860 and 37(1)(3) r/w 135 of the Bombay Police Act, 1951.
3. According to the prosecution, on the date of incident which took place on on 20th January, 2018, the present applicant with co-accused assaulted the deceased by stone and bricks and committed his murder on account of previous enmity.

4. The case is based on circumstantial evidence. The Applicant is in jail for more than five years. This Court by order dated 12th July 2021 passed in Bail Application No.1461 of 2019 has released the similarly circumstanced co-accused – Ajay @ Ajit Kishor Shigvan on bail.

5. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. In the result, following order is passed;

ORDER

- i) Application is allowed.
- ii) The Applicant be released on bail Crime No.48 of 2018 registered with Nigdi Police Station, Pune for the offences punishable under Sections 302, 143, 147, 149, 506 of Indian Penal Code, 1860 and 37(1)(3) r/w 135 of the Bombay Police Act, 1951 on executing P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- iii) Application stands disposed of.

(N.R. BORKAR, J.)