

... Applicant

... Respondent

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DATED : 3 MAY 2023

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. 378 of 2020 registered at Sangvi Police Station, Pune for the offences punishable under Sections 302, 143, 147, 148, 149 r/w. 34 of Indian Penal Code and Sections 4 r/w. 25 of the Arms Act.

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

4. According to the prosecution, on 13 September 2020, the present applicant in connivance with other co-accused committed murder

of the deceased by assaulting him by koyta, etc. as the applicant was suspecting that his wife had illicit relation with the deceased.

5. The learned Counsel for the applicant submits that the case is based on circumstantial evidence. It is submitted that the applicant is in jail for more than 2½ years and the trial has not yet commenced. It is submitted that there are in all seven accused and five have been released on bail.

6. On the other hand, the learned APP submits that there is a recovery of koyta at the instance of present applicant. It is submitted that the motive for alleged crime is attributed to the present applicant. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. Admittedly, the case is based on circumstantial evidence. The applicant is in jail for more than 2½ years. There are no other criminal antecedents. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant - Ayaj Noormohd. Shaikh be released on bail in Crime No. 378 of 2020 registered at Sangvi Police Station, Pune for the offences punishable under Sections 302, 143, 147, 148, 149 r/w. 34 of Indian Penal Code and Sections 4 r/w. 25 of the Arms Act, on furnishing P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

- (iii) The applicant shall not tamper with the prosecution evidence.
- (iv) 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.
- (v) The prosecution is at liberty to move an application for cancellation of bail if the applicant commits breach of any of the above conditions.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

Digitally signed
by KANCHAN
PRASHANT
DHURI
Date:
2023.06.09
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