

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**BAIL APPLICATION NO. 1273 OF 2022**

Datta @ Dattu Popat Kharat ...Applicant  
V/s.  
The State of Maharashtra ...Respondent.

Mr. Shailesh Chavan for the Applicant.  
Mr. A. A.Palkar, APP for the Respondent/State.

**CORAM : N.R. BORKAR, J.**  
**DATE : 27.02.2023.**

**P.C. :**

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.558 of 2019 registered at Baramati City Police Station, Pune for the offence punishable under Section 302 of the Indian Penal Code.
3. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
4. According to the prosecution, the deceased, who was special child (mentally retarded), had gone missing on 5 August 2019 and her dead body was found on 7 August 2019. According to the prosecution, the present applicant committed her murder for some unknown reason as one of the witnesses had seen them together prior to the alleged incident.

5. The case is based on circumstantial evidence. The applicant is in jail for more than three and half years. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. In the result, the following order is passed.

**ORDER**

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 558 of 2019 registered at Baramati City Police Station, Pune for the offence punishable under Section 302 of the Indian Penal Code on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

**[N.R.BORKAR, J.]**