

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1220 OF 2022

Satish Kashinath Bhosale ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO. 2063 OF 2022

Swapnil Laxman Nimbalkar ...Intervenor

IN THE MATTER BETWEEN

Satish Kashinath Bhosale ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Rupesh Zade, for the Applicant in BA- 1220/2022.

Mr. Amit Palkar, APP, for the Respondent/State.

Mr. Ghansham Jadhav, for the Intervenor in IA- 2063/2022.

CORAM : N.R. BORKAR, J.

DATE : 02 JANUARY 2023.

PC. :

This is an application under Section 439 of Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 127 of 2021 registered at Daund Police Station, District Pune for the offences

punishable under Sections 302, 201 read with 34 of the Indian Penal Code.

3. I have heard the learned counsel for the applicant, the learned APP for the respondent/State and the learned counsel for the Intervenor.

4. The present applicant is accused No. 2 in the aforesaid crime. There was an enmity between the deceased and accused No. 1. According to the prosecution on account of said enmity on 05 March 2021 at about 9.20 a.m. the present applicant alongwith other co-accused assaulted the deceased and committed his murder. It is alleged that after committing the murder of the deceased with a view to cause disappearance of the evidence his body was thrown in the river - Bhima.

5. The learned counsel for applicant has placed on record the order passed by this Court dated 21 March 2022, in Criminal Bail Application No. 3186 of 2021. By the said order, this Court has released accused No.3 on bail. The learned counsel for the applicant submits that the role attributed to the present applicant and the accused No.3 is identical.

6. The learned counsel for the intervenor submits that accused No.3 came to be released on factually incorrect premise. However, no application is moved to recall the order passed by this Court. It is not

disputed that the role attributed to accused No.3 and present applicant is identical. Considering the facts and circumstances, I am inclined to release the applicant on bail. In the result, following order is passed:

ORDER

- A) The Application is allowed.
- B) The applicant be released on bail in Crime No. 127 of 2021 registered at Daund Police Station, District Pune for the offences punishable under Sections 302, 201 read with 34 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.
- C) In view of disposal of the bail application, the intervention application does not survive and same stands disposed of.

[N.R. BORKAR, J.]