



Diksha Rane

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1021/2023

AJAY DNYANESHWAR MIDGULE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Abhishek R. Avachat for the applicant.

Ms. Veera Shinde, APP for the State.

PSI A. V. Pawar, Shirur Police Station, Pune Rural.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 8, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 302, 201 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 19/3/2022 vide C.R. No.189/2022 with Shirur Police Station.

3. The date of the incident is 18/3/2022. There are in all two accused. The applicant is the accused no.2. It is allegation that the accused have killed the deceased Balu Barahate. The dead body of the deceased was found on

18/3/202. The applicant was arrested on 29/4/2021 and now is in custody for more than one year and seven months with no possibility of the trial concluding any time soon. The case is entirely based on the circumstantial evidence. The circumstance against the applicant is that the applicant and the co-accused were last seen in the company of the deceased. There is an extra judicial confession of the co-accused where he has stated that it is the applicant who assaulted the victim with the stone. It is stated that the accused and the victim had consumed liquor and a fight ensued in which the deceased had also assaulted the accused.

4. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail as the applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Ajay Dnyaneshwar Midgule in connection with C.R. No.189/2022 with Shirur Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Shirur police station once in three months on the 1st Saturday between 11.00 a.m. and 1.00 p.m. noon till further orders commencing from January 2024.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall surrender his passport, if any, to the investigating officer.

5. The application is disposed of.

(M. S. KARNIK, J.)