

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1554 OF 2021

Sumeet Sunil Aaigule ... Applicant

Versus

The State of Maharashtra and another ... Respondents

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Mr. Shailesh Kharat for the Applicant.

Mr. S.S. Hulke, APP for the State.

Mr. Samay Pawar instructed by Mr. Anup Pande for Respondent No.2.

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CORAM : N.R. BORKAR, J.

DATED : 23 JANUARY 2023

P.C. :-

. 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. 393 of 2019 registered at Vishrantwadi Police Station, Pune for the offences punishable under Sections 143, 147, 149, 302 r/w. 34 of Indian Penal Code, Section 4 r/w. 25 of the Indian Arms Act and Section 37(1) r/w. 135 of the Maharashtra Police Act.

3. I have heard the learned Counsel for the applicant and the learned APP for the State and the learned Counsel for Respondent No.2.

4. According to the prosecution, the deceased was in real estate business. There was dispute between the co-accused Anand Panchmukh and the deceased on account of some real estate transaction. It is alleged that on 8 December 2019, the said co-accused Anand Panchmukh, alongwith present applicant and other co-accused, on account of said dispute committed the murder of the deceased.

5. I have perused the statements of eye-witness Aniket Kamble recorded under Sections 161 and 164 of the Cr.P.C. Though he has named the present applicant as one of the assailants in his statement recorded under Section 161 of the Cr.P.C., however he has not named the present applicant as assailant in his statement recorded under Section 164(5) of Cr.P.C. The applicant is in jail for more than 3 years. There are no other criminal antecedents. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Sumeet Sunil Aaigule be released on bail in Crime No. 393 of 2019 registered at Vishrantwadi Police Station, Pune for the offences punishable under Sections 143, 147, 149, 302 r/w. 34 of Indian Penal Code, Section 4 r/w. 25 of the Indian Arms Act and Section 37(1) r/w. 135 of the Maharashtra Police Act, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.