

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2922 OF 2021**

Premchand Jodharam Mali

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Satyam Nimbalkar a/w Mr. Abhishek Arote a/w Mr. Ashish Kachole
a/w Mr. Omkar Chitale for the Applicant.
Ms Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 27 MARCH 2023

P.C. :-

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

2. The applicant came to be arrested in Crime No. 74 of 2020 registered at Samarth Police Station, Pune for the offences 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. The deceased was the wife of the complainant. It is alleged that the deceased had illicit relations with the present applicant. According to the prosecution, on the date of incident, which took place on 13 March 2020,

altercation took place between the deceased and the present applicant on account of some trivial issue and during the said altercation the present applicant assaulted the deceased and committed her murder by strangulating her.

5. The case is based on circumstantial evidence. The applicant is in jail for more than three years and the trial has not yet commenced. 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 shall be released on bail in Crime No. 74 of 2020 registered at Samarth Police Station, Pune for the offences punishable under Section 302 of the Indian Penal Code on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) 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 the trial.

(N.R. BORKAR, J.)