

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2184 OF 2022

WITH

INTERIM APPLICATION NO. 3728 OF 2022

Baliram Bapurao Aautade ... Applicant

Versus

The State of Maharashtra ... Respondent

AND

CRIMINAL BAIL APPLICATION NO. 2059 OF 2022

WITH

INTERIM APPLICATION NO. 3726 OF 2022

Malhari Venkati Kerale ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Nitin Gaware Patil for the Applicants.

Ms. Rutuja Ambekar, APP for the State.

Mr. Dheeraj Panchange for the Intervenor.

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CORAM : N.R. BORKAR, J.

DATED : 7 FEBRUARY 2023

P.C. :-

. The applicants who are accused in Crime No. 153 of 2021 registered at Rasayani Police Station, District - Raigad for the offences punishable under Sections 302, 201, 435, 506 r/w. 34 of Indian Penal Code have filed these applications under Section 439 of the Code of Criminal Procedure for bail.

2. I have heard the learned Counsel for the applicants, the learned APP for the State and the learned Counsel for the intervenor.

3. According to the prosecution, the deceased had illicit relationship with the wife of the applicant – Malhari Kerale. It is alleged that the present applicants thus on the date of incident, which took place in the intervening night of 12 October 2021 and 13 October 2021 accosted the deceased and poured the kerosene on the tempo by which he was going from Panvel to Pune and the same was set on fire.

4. Admittedly, the case is based on circumstantial evidence. Initially, accidental death was registered. There is no evidence to show that traces of kerosene were found at the place of incident. Considering the facts and circumstances of the case, I am inclined to release the applicants on bail. Hence, the following order is passed :

- (i) Applications are allowed.
- (ii) The applicants be released on bail in Crime No. 153 of 2021 registered at Rasayani Police Station, Raigad for the offences punishable under Sections 302, 201, 435, 506 r/w. 34 of Indian Penal Code, on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.
- (iii) The applicants 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 trial.
- (iv) The interim applications for intervention stand disposed of.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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