

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2727 OF 2022

Ganesh Shankar Vairat ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Satyam Nimbalkar instructed by Mr. Abhishek Arote, Mr. Ashish Kachole and Mr. Omkar Chitale for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 20 APRIL 2023

P.C. :-

1. 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. 192 of 2019 registered at Sahakar Nagar Police Station, Pune for the offences punishable under Sections 302, 504, 506 r/w. 34 of Indian Penal Code and Sections 37(1)(3) 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.

4. The deceased had an evil eye on the wife of the co-accused Rakesh Patole. According to the prosecution, thus on the date of incident

which took place on 13 February 2019, the said co-accused, his father and the present applicant assaulted the deceased by iron rod and sticks and committed his murder.

5. The motive for the alleged crime is not attributed to the present applicant. The applicant is in jail for about 4 years. The trial is still at the stage of framing of charge.

6. The learned APP submits that there are eye-witnesses to the incident. It is submitted that considering the nature of offence, the applicant may not be released on bail. However, considering the overall facts and circumstances of the case and as the trial has not yet commenced, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Ganesh Shankar Vairat be released on bail in Crime No. 192 of 2019 registered at Sahakar Nagar Police Station, Pune for the offences punishable under Sections 302, 504, 506 r/w. 34 of Indian Penal Code and Sections 37(1)(3) 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.
- (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 trial.

KANCHAN
PRASHANT
DHURI

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(N.R. BORKAR, J.)