

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3236 OF 2022

Ajay @ Prajwal Mohan Kshirsagar ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Aniket Nikam alongwith Mr. Aashish Satpute, Mr. Piyush Toshnival and Mr. Varad Ozarkar instructed by Mr. Amit Icham for the Applicant. Mr. P.H. Gaikwad Patil, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 17 MARCH 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. 206 of 2020 registered at Chinchwad Police Station, Pune for the offence punishable under Section 302 r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. According to the prosecution, on the date of incident, which took place on 30 August 2020, the present applicant, other co-accused and

the deceased were together consuming liquor. It is alleged that on some trivial issue dispute arose between the deceased on one side and the applicant and other co-accused on the other side. It is alleged that during the said dispute, the present applicant and other co-accused assaulted the deceased by stone etc. and committed his murder.

5. The case is based on circumstantial evidence. This Court by order dated 22 March 2022 in Criminal Bail Application No.3401 of 2021 has released the co-accused Dnyanesh Sunil Thorat on bail.

6. The learned APP submits that there is a extra-judicial confession of the present applicant. However, considering the overall the facts and circumstances of the case and as the applicant is in jail for more than 2½ years, I am inclined to release him on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant - Ajay @ Prajwal Mohan Kshirsagar be released on bail in Crime No. 206 of 2020 registered at Chinchwad Police Station, Pune for the offence punishable under Section 302 r/w. 34 of Indian Penal Code, 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.