

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2818 OF 2023

Santosh N. Walmiki ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Satyavrat Joshi i/b Mr. Samay Pawar for the Applicant.
Ms M.H. Mhatre, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 11.12.2023.
(IN CHAMBER)

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.197 of 2021 registered at Nigdi Police Station, Dist. Pune for the offences punishable under Sections 302, 307, 324, 141, 143, 148, 149 of the Indian Penal Code and Sections 37(1)(3) read with 135 of the Maharashtra Police Act.
3. It is the prosecution case that on 20 April 2021, the present applicant along with other co-accused assaulted the deceased by sticks and stone and committed his murder on account of previous enmity.
4. I have heard the learned counsel for the applicant and the learned APP for the respondent/ State.

5. The learned counsel for the applicant submits that this Court by order dated 10 February 2023 in Bail Application No. 741 of 2022 filed by the applicant has directed the trial Court to conclude the trial as early as possible, however, the trial is still at the stage of framing of charge. It is submitted that the injury which had caused the death of the deceased is not attributed to the present applicant. It is submitted that there are no other criminal antecedents. It is thus, submitted that the applicant may be released on bail.

6. On the other hand, learned APP submits that the applicant is involved in serious offence of murder. It is submitted that there are eye-witnesses to the incident who have stated that the present applicant assaulted the deceased by stick. It is thus submitted that the applicant may not be released on bail.

7. The cause of death is head injury with facial trauma. The alleged head injury is not attributed to the present applicant. The allegations against the applicant are non-specific. There are no other criminal antecedents. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No.197 of 2021 registered at Nigdi Police Station, Dist. Pune for the

offences punishable under Sections 302, 307, 324, 141, 143, 148, 149 of the Indian Penal Code and Sections 37(1) (3) read with 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.

C] 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.

[N.R.BORKAR, J.]