

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3568 OF 2022**

Babu @ Vishal Shivaji Memane ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Satyavrat Joshi instructed by Mr. Nitesh Mohite for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 17 FEBRUARY 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. 720 of 2018 registered at Yavat Police Station, Pune Rural for the offences punishable under Sections 302, 143, 147, 148, 149, 120-B of Indian Penal Code and Sections 3 r/w. 25 of the Arms Act, 1959.

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

4. It is the case of the prosecution that on the date of incident, which took place on 5 August 2018, the applicant alongwith other co-accused assaulted the deceased by koyta etc. and committed his murder as there was dispute between the deceased and some of the co-accused on account of some financial transaction.

5. According to the prosecution, Sujata Swapnil Shelar – wife of the deceased and Bapurao Narayan Shelar are the eye-witnesses to the alleged incident. If it is so then it is not understood as to why the first information report was lodged only on the basis of suspicion and why the statement of both the eye-witnesses came to be recorded three days after the alleged incident.

6. Considering the overall facts and circumstances and as the applicant is in jail for more than 4 years, I am inclined to release him on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Babu @ Vishal Shivaji Memane be released on bail in Crime No. 720 of 2018 registered at Yavat Police Station, Pune Rural for the offences punishable under Sections 302, 143, 147, 148, 149, 120-B of Indian Penal Code and Sections 3 r/w. 25 of the Arms Act, 1959, 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 not enter into the limits of Taluka – Daund till conclusion of trial.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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