

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3335 OF 2022**

Om Bharat Khatpe

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Aniket Ujjwal Nikam i/b Mr. Amit Icham for the Applicant.
Ms Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 24 JANUARY 2023

P.C. :-

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 50 of 2022 registered at Bibvewadi Police Station, Pune for the offences punishable under Sections 302, 504, 506 read with 34 of the Indian Penal Code and Sections 37(1), 37(3), 135 of Maharashtra Police Act and Sections 4 and 25 of Arms Act.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. According to the prosecution, on the date of incident which took place on 18 March 2022, the present applicant and other co-accused

assaulted the deceased by koyta and committed his murder on account of previous enmity.

5. I have perused the statement of eye-witness- Vaibhav Ghatul, who according to the prosecution at the time of alleged incident was with the deceased. He has not attributed any overact to the present applicant in the alleged incident. Considering this fact, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 50 of 2022 registered at Bibvewadi Police Station, Pune for the offences punishable under Sections 302, 504, 506 read with 34 of the Indian Penal Code and Sections 37(1), 37(3), 135 of Maharashtra Police Act and Sections 4 and 25 of Arms Act on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)