

Versus

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Mr. Amit Palkar, APP for the State.

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DATED : 9 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. 432 of 2019 registered at Lonikand Police Station, Pune for the offences punishable under Sections 302, 396, 109, 452, 143, 147, 148, 149 of Indian Penal Code and Sections 4 r/w. 25 of the Indian Arms Act.

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

4. The applicant is accused No.3 in the aforesaid crime. According to the prosecution, the accused No.5, who is sister-in-law of the deceased had borrowed Rs.10,000 from him. It is alleged that the deceased was asking the accused No.5 to return that amount. According to the prosecution, dispute arose between the deceased and accused No.5 on account of said financial transaction and thus she conspired with the accused No.1, who is her nephew to kill the deceased. It is alleged that pursuant to said conspiracy the present applicant and other co-accused assaulted the deceased by sharp weapons and committed his murder on 30 April 2019.

5. Admittedly, the case is based on circumstantial evidence. The motive is attributed to accused Nos.1 and 5. The applicant is in jail for more than 4 years. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Abhilash Shrikant Mule be released on bail in Crime No. 432 of 2019 registered at Lonikand Police Station, Pune for the offences punishable under Sections 302, 396, 109, 452, 143, 147, 148, 149 of Indian Penal Code and Sections 4 r/w. 25 of the Indian Arms Act, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
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