

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3306 OF 2022**

Yogesh Shivaji Gaikwad

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Ms. S. P. Parulekar for the Applicant.

Ms. Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 26 APRIL 2023

P.C. :-

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

2. The applicant came to be arrested in Crime No. 109 of 2017 registered at Manchar Police Station, Pune for the offences punishable under Sections 302, 201 of the Indian Penal Code.

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

4. According to the prosecution, the present applicant had illicit relations with the wife of the deceased, who is also co-accused in the present crime. It is alleged that on account of said illicit relations the deceased was murdered.

5. The case is based on circumstantial evidence. The applicant is in jail for more than six 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 shall be released on bail in Crime No. 109 of 2017 registered at Manchar Police Station, Pune for the offences punishable under Sections 302, 201 of the Indian Penal Code on furnishing PR 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 the trial.

(N.R. BORKAR, J.)