

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO. 3127 OF 2022
(THROUGH JAIL)**

Amar Bapu Mahire

..Applicant

VS.

The State of Maharashtra

..Respondent

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Adv. N. M. Nadar for the Applicant.

Mr. S. V. Gavand, APP for the State.

Mr. D. T. Amruskar, PSI, Bhandup Police Station present.

CORAM : M. S. KARNIK, J.

DATE : MARCH 3, 2023

P.C. :

- 1.** Heard learned counsel for the applicant.
- 2.** This is an application for bail through jail in connection with C.R. No.408 of 2018 registered with Bhandup Police Station for the offence punishable under Section 302 of the Indian Penal Code, 1860.
- 3.** The investigation is complete and the charge-sheet has been filed. The applicant was arrested on 01/11/2018 and now in custody for more than 4 years and 4 months. The allegation is that there was some quarrel between the applicant and the deceased who was his wife. It is alleged

that the applicant strangled her with nylon rope. The applicant himself went to the police station and surrendered. Though there is no direct evidence, the incident happened in the residential home of the applicant. There is medical evidence to suggest the applicant's complicity. So far as the trial is concerned, I am informed that the charge has not been framed. There is nothing on record to suggest that the trial is being protracted at the behest of the applicant. The trial will take a long time to conclude. The applicant will face the consequences of the trial. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk as he himself went to the police station and surrendered.

4. Considering the distance of time the applicant is in custody and other materials on record, the applicant can be released on bail.

5. Hence, the following order :-

ORDER

(a) Application is allowed.

(b) Applicant-Amar Bapu Mahire shall be released on bail in connection with C.R. No.408 of 2018 registered with Bhandup Police Station, on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(d) The applicant shall report to the Investigating Officer of the concerned police station once a month i.e. on the first Monday of every month between 10.00 a.m. and 1.00 p.m.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

6. The Bail Application is disposed of.

7. I appreciate the assistance rendered by Advocate N. M. Nadar who appeared on behalf of the applicant.

(M. S. KARNIK, J.)