

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

CRIMINAL BAIL APPLICATION NO. 3794 OF 2022

Krushna @ Swapnil Bharat Kapure

...Applicant

Versus

State Of Maharashtra

...Respondent

SHANTANU
SHANKARSA
DHUDUM

Digitally signed by
SHANTANU
SHANKARSA DHUDUM
Date: 2023.09.13
14:12:47 +0530

Mr. Aniket U. Nikam a/w Mr. Varad Ozarkar i/b Amit Icham for the
Applicant.

Ms. P. N. Dabholkar, APP, for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st SEPTEMBER 2023.

P.C. :

1. By this application, applicant is seeking bail in C.R. No. 206 of 2020 registered at Chinchwad Police Station, Dist - Pune for offences punishable under Section 302 r/w 34 of Indian Penal Code (for short "IPC").

2. It is prosecution case that on 31st August, 2020 at about 8:00 a.m. when the complainant was at home, at that time, Wakad & Chinchwad Police came to his house and informed that present

applicant and other co-accused in furtherance of common intention committed murder of Mr. Shubham Sathe by assaulting him on his head by means as stone, wash basin pot and pieces of ceramic tiles on account of quarrel that had taken place while consuming liquor. FIR was lodged on the basis of complaint.

3. It is contention of applicant that applicant is falsely implicated in this case. Nothing has been seized at the instance of applicant. Learned counsel further submitted that the co-accused Ajay Kshirsagar has been released on bail by this Court (Coram: N. R. Borkar, J) by order dated 17th March, 2023. Applicant is seeking parity. The allegations levelled against co-accused Ajay Kshirsagar and applicant are same.

4. It is contention of learned APP that blood stained clothes of applicant were seized. It shows involvement of the applicant in the said crime. If applicant is released on bail, he may threaten prosecution witnesses hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge sheet.

6. Allegations against the applicant are that he along with other co-accused had assaulted the deceased. Blood stained clothes were seized at the instance of applicant. This Court (Coram: N. R. Borkar, J) has granted bail to co-accused Ajay Khirsagar. The role attributed to the applicant is equated with co-accused Ajay Khirsagar. The said order is not challenged, hence, applicant is entitled for bail on parity.

7. In view of above, I pass following order.

ORDER

(i) Applicant – Krushna @ Swapnil Bharat Kapure be enlarged on bail in Crime No. 206 of 2020 registered with Chinchwad Police Station, District – Pune for the offences punishable under Sections 302 r/w 34 of Indian Penal Code, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(ii) 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 framing of charge.

(iii) Applicant shall inform his latest place of residence and

mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witness or any person concerned with the case.

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)