



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

BAIL APPLICATION NO. 3924 OF 2023

KRUSHNA BALU KOKATE ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Rameshwar Gite a/w Adv. Rohit P. Gorade for the
Applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 12, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 302, 201 and 34 of the Indian Penal Code registered on 23/04/2023 vide C.R. No.220 of 2023 with Yeola Taluka Police Station, Nashik.
- 3.** The prosecution's case, in brief, is that the applicant who is accused No.1 has committed the murder of the victim by strangulating him and then throwing his dead body in the well.

4. Learned APP opposed the application. It is submitted that there is an eyewitness to the incident who has seen the applicant strangulating the victim. It is further submitted that the applicant has thrown the dead body in the well. It is further submitted that the applicant has then tried to destroy the evidence with the help of accused No.2 by removing the dead body from the well and leaving it near the farm of an agriculturist.

5. The statement of the eyewitness was recorded after 25 days of the incident. The applicant was arrested on 10/05/2023. I have carefully perused the statement of the eyewitness. Though there is a delay in recording the statement of the eyewitness, *prima facie*, even from the narration in the statement it would reveal that the assault is not pre-meditated or there is no motive implicated to the present applicant for the commission of the offence. It is further seen from the statement that the applicant as well as the victim were drunk and the victim started abusing the applicant. The possibility of provocation by the deceased and the incident happening on the spur of the moment can

not be ruled out. These observations are *prima facie* not to influence the trial Court. The investigation is complete and the charge sheet has been filed. There are no criminal antecedents reported. The applicant is a resident of Yeola and is an agriculturist. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Krushna Balu Kokate in connection with C.R. No.220 of 2023 registered with Yeola Taluka Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Yeola Taluka police station once in a month, first Monday of every month, between 11.00 a.m. and 1.00 p.m.
- (d) 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.
- (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.

(f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)