

CRIMINAL APPELLATE JURISDICTION

V/s.

The State of Maharashtra ... Respondent.

Ms Poonam Bhosale, APP for the State.

DATED : OCTOBER 08, 2024.

PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.74 of 2024, registered with Tasgaon Police Station, District: Sangli for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code.
3. Having gone through the charge-sheet and the relevant material collected by the Investigating Officer, during investigation, it is evident that the allegation against the applicant is that he along with accused No.1, who had love affair with one Pooja Shital

Gore, committed murder of the deceased on the ground that the deceased had also love affair with the same lady Pooja Shital Gore. It is further case of the prosecution that the deceased was the obstacle in the marriage of accused No.1 with Pooja Shital Gore and for that reason the accused No.1 and accused No.2, decided to eliminate the deceased and accordingly, the accused have committed murder of the deceased.

4. Having considered the material available with the charge-sheet, it is evident that except the statement recorded at the time of preparation of the Memorandum under Section 27 of the Indian Evidence Act, for recovery from the co-accused there is no other material to implicate him as an accused in the present matter. Moreover, there was no motive, as it was there for the accused No.1. Furthermore, there are no antecedents against the applicant.
5. In the above referred backdrop, though the learned APP has strongly opposed the application, I am of the view that this is a fit case for grant of bail as further custody of the applicant is not necessary in view of the fact that the charge-sheet has been filed.
6. Accordingly, I pass the following order:
 - i) The Criminal Application is allowed.

- ii) It is directed that the applicant shall be released on bail in connection with Crime No.74 of 2024, registered with Tasgaon Police Station, District: Sangli for the offences punishable under Sections 302 read with Section 34 of the Indian Penal Code, on furnishing P.R.Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall not enter the territorial jurisdiction of Tasgaon Police Station, District : Sangli till conclusion of the trial, except for attending the trial.
- iv) The applicant shall provide his address and name of the nearby Police Station to the I.O., which he shall attend on first and sixteenth day of every month between 10:00 a.m. and 11:00 a.m., till conclusion of the trial.
- v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- vi) Liberty is granted to the State for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.

- vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)