

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

CRIMINAL BAIL APPLICATION NO. 3044 OF 2024

Pratik Vinayak Gurule

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Kunal Patil i/b Prashant Raul, Advocate for Applicant.

Mr. S. S. Chaudhari, APP for State-Respondent.

Mr. Sachin Chandan, PSI, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 27th SEPTEMBER, 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. 530 of 2023 registered with Rajarampuri Police Station, Kolhapur for the offence punishable under Section 302 of the Indian Penal Code, 1860.
- 3) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that the whole case is based on circumstantial evidence i.e. CCTV footage. However, there is a mention in the panchanama that in the CCTV footage, three persons were seen together i.e. the applicant, the deceased and the granddaughter of the deceased.

4) However, from the complaint, it is evident that the deceased dropped the granddaughter at home and then again went for some work. Thus, it is evident that, the CCTV footage is of the period prior to dropping of the granddaughter at home.

5) In the circumstances, prima facie the CCTV footage cannot be considered as a circumstance to show that the applicant was last seen with the deceased. Other than the said material, there is no other evidence to show the complicity of the applicant in the alleged offence. There are no antecedents against the applicant and as the charge-sheet has been filed, I am of the opinion that further custody of the applicant is not required. Accordingly, I pass the following order.

ORDER

(i) The Bail Application is allowed;

(ii) It is directed that the Applicant shall be released on bail in Crime No. 530 of 2023 registered with Rajarampuri Police Station, Kolhapur for the offence punishable under Section 302 of the Indian Penal Code, 1860, on furnishing PR. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

(iii) The Applicant shall not enter into territorial jurisdiction of Rajarampuri Police Station till conclusion of trial, except on the date of trial;

(iv) The Applicant shall provide his address and name of nearby Police Station to the Investigating Officer and attend said Police Station on 1st and 16th day of every month between 12.00 noon and 2.00 pm till conclusion of trial, except on the date of

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 in case Applicant breaches any of the conditions and/or if the applicant commits similar offence;

(vii) The applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

[ANIL S. KILOR, J.]