

The State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.4260 OF 2023

The State of Maharashtra ... Respondent

Mr. Ranjit, Tippe, API, Miraj Gramin Police Station, Present.

CORAM : ANIL S. KILOR, J.

DATE : 4TH JULY, 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.119 of 2023, registered with Miraj Rural Police Station, Dist: Sangli for the offences punishable under Sections 302 and 341 read with 34 of

Indian Penal Code.

3. Having gone through the charge-sheet and the material collected by the Investigating Officer during the investigation, it is evident that the whole case is based on circumstantial evidence.

4. The evidence collected by the Investigating Officer indicates that there was an enmity between the deceased and the accused no. 1, Jitendra and there were recovery of Bike, Rod and bloodstains clothes from the accused no. 1. Whereas, against the applicant except the recovery of clothes without bloodstains, there is nothing.

5. If the statement of witness Yashraj is concerned, at the most it can be said that at the time of incident, the applicant was with the main accused, Jitendra but there is no evidence to *prima facie* show that he had played any role in commission of the offence.

6. Ms. Mulekar, the learned APP strongly opposed the application on the ground that there is a statement of wife of the deceased which show that there was an enmity between the applicant and the deceased. However, after going through the said statement, I do not find any material to reach to a *prima facie* conclusion that there was any enmity as far as the applicant is concerned.

7. In the circumstances, as there is no evidence against the applicant, to *prima facie* connect the applicant with the alleged offence, I am of the opinion that this is a fit case for grant of bail.

8. Moreover, the applicant is in jail from last 16 months and in the meantime the charge-sheet has been filed. Thus, as the applicant's further custody is not necessary. Hence, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.119 of 2023, registered with Miraj Rural Police Station, Dist: Sangli for the offences punishable under Sections 302 and 341 read with 34 of Indian Penal Code., on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall attend the Police Station on 1st day of every month between 12.00noon to 2.00p.m., till the conclusion of the trial except on the date of trial;
- iv) 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;
- v) Liberty is granted to the informant and the

State to apply for cancellation of bail if the applicant commits similar offence.

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

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

(ANIL S. KILOR, J)