

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3895 OF 2024

1. Nivrutti Rajaram Patil, Age 54 years,
Occ.Agriculture,

2. Arun Rajaram Patil, Age 45 years,
Occ.Agriculture,
Both R/o.Povachiwadi, A/p.Adkur,
Tal.Chandgad, Dist.Kolhapur.
(At present in District Prison, Kolhapur).

Applicants

versus

The State of Maharashtra

Respondent

Mr.Aniket Nikam through V.C with Mr.Pratik Jadhav i/by Mr.Amit
Icham for Applicants.

Mrs.Veera Shinde, APP, for State.

PSI Arun Dimbe, Chandgad Police Station, present.

CORAM : ANIL S.KILOR, J.

DATE : 16th October 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.239 of 2023 registered with Chandgad Police Station, Dist.-Kolhapur, for the offences punishable under Sections 302 and 504 read with Section 34 of the Indian Penal Code, 1860.

3. Having gone through the charge-sheet and the material collected by the Investigating Officer during the investigation, it is evident that except the father and brother of the deceased, none of

the eye-witnesses have named the applicant. Furthermore, it is evident that the father and brother of the deceased reached the spot after some time, though they have stated that they saw the incident. However, all the other eye-witnesses have not stated about their presence at the time of incident. According to all the eye-witnesses, the only accused No.1 was present at the spot and he assaulted the deceased and inflicted blow on his body by the weapon used in the alleged offence. Furthermore, there are statements of the witnesses before whom the accused No.1 made an extrajudicial confession.

4. Thus, considering the statements of independent eye-witnesses, who have not named the applicant, coupled with the fact that the applicant is in jail from last one year and there is no possibility of concluding the trial in near future, I am of the opinion that though the learned APP has strongly opposed the application, the applicant is entitled for grant of bail. Hence, I pass the following order.

ORDER

- (i) The Bail Application is allowed and disposed off;
- (ii) It is directed that the Applicant shall be released on bail in Crime No.239 of 2023 registered with Chandgad Police Station, Dist.-Kolhapur, for the offences punishable under Sections 302 and 504 read with Section 34 of the Indian Penal Code, 1860, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;
- (iii) The applicant shall not enter into the territorial jurisdiction of Chandgad Police Station, till the conclusion of the trial except on the date of trial;

(iv) The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st and 16th day of every month between 12.00 noon to 2.00 p.m., till the conclusion of the 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 to apply cancellation of bail 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.)

MST