

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

CRIMINAL BAIL APPLICATION NO. 1740 OF 2024

Rahul Manohar Dorge	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr.Ashok Mundargi, Senior Advocate a/w Mr.Ganesh Bhujbal,
Advocate for the Applicant.

Mrs.Megha S. Bajoria, A.P.P. for the Respondent – State.

PS.I. Mr.A.K. Shelke, Yavat Police Station, Pune present.

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CORAM	:	N. R. BORKAR, J.
DATE	:	9th MAY, 2024.

P.C.:

1. This is an application under Section 439 of Cr.P.C. for bail.
The Applicant came to be arrested in Crime No.693 of 2021 registered at Yavat Police Station, Dist. Pune for offences punishable under Sections 302, 143, 147, 148, 149 r/w Section 34 of the Indian Penal Code.
2. According to the prosecution on account of previous dispute on 09.08.2021, the present Applicant and the co-accused assaulted the deceased by iron rod and sticks and committed his murder.
3. I have heard the learned Senior counsel for Applicant and the learned A.P.P. for the Respondent-State.

4. The learned senior counsel submits that there is a delay in lodging the First Information Report. Initially it was reported that the deceased had met with an accident. It is submitted that the statement of alleged sole eye witness namely Shakuntala Maral, the grandmother of the deceased is self contradictory.

5. On the other hand, the learned APP submits that there are oral dying declarations as well as there is an eye witness to the incident. It is submitted that considering the overt act attributed to the applicant in crime in question, he may not be released on bail.

6. According to the prosecution the grand mother of the deceased namely Shakuntala Maral is an eye witness to the alleged incident. If this is so, then it is not understood as to why the report was not lodged on the very same day of the incident. Initially it was reported that the deceased had met with an accident. The First Information Report came to be lodged only after the death of the deceased.

5. Considering the above facts and circumstances, I am inclined to release the applicant on bail.

ORDER

- i. Criminal Bail Application No.1740 of 2024 is allowed;
- ii. The Applicant be released on bail in Crime No.693 of

2021 registered at Yavat Police Station, Dist. Pune for offences punishable under Sections 302, 143, 147, 148, 149 r/w Section 34 of the Indian Penal Code on executing P.R. Bond in the sum of Rs.15,000/- with one surety in the like amount;

iii. Application stands disposed of accordingly.

(N. R. BORKAR, J.)