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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4045 OF 2023**

Nikhil R. Salve ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Satyavrat Joshi i/b Mr. Samay S. Pawar for the Applicant.
Ms Rutuja Ambekar, APP for the Respondent.

**CORAM : N. R. BORKAR, J.
DATE : 3 FEBRUARY 2024.**

PC:-

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.197 of 2021 registered at Nigdi Police Station, Dist. Pune for the offences punishable under Sections 302, 307, 324, 141, 143, 148, 149 of the Indian Penal Code and Sections 37(1)(3) read with 135 of the Maharashtra Police Act.
3. It is the prosecution case that on 20 April 2021, the present applicant along with other co-accused assaulted the deceased by sticks and stone and committed his murder on account of previous enmity.
4. I have heard the learned counsel for the applicant and the learned APP for the respondent/ State.

5. The learned counsel for the applicant submits that this Court by order dated 10 February 2023 in Bail Application No.2706 of 2022 filed by the applicant, directed the trial Court to conclude the trial as early as possible, however, the trial is still at the stage of framing of charge. It is submitted that the fatal injury is not attributed to the present applicant. It is thus, submitted that considering the facts and circumstances the applicant may be released on bail.

6. On the other hand, learned APP submits that the applicant is involved in serious offence of murder. It is submitted that according to the eye-witnesses the present applicant assaulted the deceased by stick. It is submitted that the applicant is involved in one more crime. It is thus submitted that considering the nature of offence the applicant may not be released on bail.

7. The cause of death is head injury with facial trauma. The alleged head injury is not attributed to the present applicant. The trial is still at the stage of framing of charge. Considering the overall facts and circumstances, I am inclined to release the applicant on bail with certain conditions. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No.197 of 2021 registered at Nigdi Police Station, Dist. Pune for the

offences punishable under Sections 302, 307, 324, 141,143, 148, 149 of the Indian Penal Code and Sections 37(1)(3) read with 135 of the Maharashtra Police Act on furnishing P.R Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

C] Till the conclusion of the trial, the applicant shall not enter into the limits of Pune district except to attend the dates before trial Court.

D] The applicant after his release shall attend the concerned police station, within whose jurisdiction he is going to reside, once in a month, i.e., on first Saturday between 11:00 a.m. to 2:00 p.m. till conclusion of trial.

E] Liberty is granted to the prosecution to move an application for cancellation of bail, if the applicant commits breach of any of the conditions.

(N.R. BORKAR, J.)