

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

CRIMINAL BAIL APPLICATION NO. 542 OF 2024

Jitendra Yadunath Patel

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Sushil Sharma with Mr. Sanjay Bhatia, for the applicant.

Ms. Shaheen Kapadia, Advocate for the Respondent No. 2.

Mr. Pankaj P. Deokar, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 12th AUGUST, 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. 406 of 2023 registered with Nalasopara Police Station, Dist- Palghar, for an offence punishable under Section 302 of the Indian Penal Code, 1860.

3) The offence was registered against 10 accused, and there were allegations of hatching conspiracy to eliminate the deceased for the reason that there was a love affair of the wife of the deceased with accused No. 1. Gautam Pandit. However, subsequently the police have

discharged all other accused persons. Thus, now there is no allegation of conspiracy. As far as Section 302 of IPC is concerned, in the statements of eyewitnesses, they have stated that they saw that there was a quarrel going on between the applicant and the deceased.

4) However, nothing is there to point out that there was an intention of the applicant to kill the deceased or any weapon was used by the applicant. The deceased appears to have died because of head injury and in the present matter, no PM was performed and conducted. Thus, except the material that the witnesses have seen the applicant quarreling with the deceased, there is no other evidence to show the overt act or motive or intention of the applicant.

5) In the circumstances, though the learned APP and the learned Counsel for the intervener are strongly opposing the application, I am of the opinion that the applicant is entitled to grant of bail. Hence, 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. 406 of 2023 registered with Nalasopara Police Station, Dist- Palghar, for an 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 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;
- 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 State to apply cancellation of bail if the applicant commits similar offence.;
- vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.
- vii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]