

V/s.

Bhushan Raut with Rajesh Waghmare, for the applicant.

Mr. Pankaj Deokar, APP, for the Respondent/State.

DATE : 6TH 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.983 of 2019, registered with Hadapsar Police Station, Pune, for the offences punishable under Sections 302, 364 and 201 of the Indian Penal Code.

3. The whole case is based on circumstantial evidence namely last seen theory. As far as the motive is concerned, it is alleged that there was illicit relation of the wife of the applicant with the deceased and therefore, the applicant to eliminate him committed the murder.

4. The applicant is in jail from last about five years.
5. The learned APP while opposing the present application harping upon a statement of witness, Mahesh Pethe who has stated that the applicant made extra judicial confession to him. According to him on 29.09.2019 i.e. on the alleged date of incident, after commission of the incident the applicant informed the fact of commission of murder of the deceased. It is surprising that he did not inform the said fact to anybody including the father of the deceased till 04.10.2019 and remained silent for almost 6 days. Thus, it prima facie creates doubt about prosecution case.
6. Till date 3 witnesses have been examined out of 20 witnesses. Thus, there is no possibility that the trial would be concluded in near future.
7. Thus, considering the fact that the whole case is based on circumstantial evidence, I am of the opinion that the applicant is entitled for grant of bail. Accordingly, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in in Crime No.983 of 2019, registered with Hadapsar Police Station, Pune, for the offences punishable under Sections 302, 364 and 201 of the 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 not enter into the territorial jurisdiction of the Pune City, till the conclusion of the trial;

iv) The applicant shall provide his address and name of the nearby police station to the IO, which he shall attend the said Police Station on 1st and 16th day of every month between 10.00a.m. to 11.00 a.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 for cancellation of bail in case of any breach of condition if the applicant commenced similar offence;

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

8. The application is disposed of .

(ANIL S. KILOR, J)