

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2429 OF 2024

Kisan Dagadu Bhujad, Age 75 years,
Occ.Agriculture, R/o.at Khadki,
Taluka Peth, District Nashik.
(Presently at Nashik Road Central Prison) Applicant
versus
The State of Maharashtra Respondent

Mr.Ajit M.Savagave, Advocate for Applicant through Legal Aid.
Mr.Pankaj P.Deokar, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 15th 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.283 of 2023 registered with Harsul Police Station, District Nashik, for the offences punishable under Section 302 of Indian Penal Code.
3. Learned counsel for the Applicant points out that the case is based on circumstantial evidence and there is no direct evidence against the Applicant. It is submitted that circumstantial evidence collected by the Investigating Officer is of weak nature and therefore considering the age of Applicant who is 75 years of age, he may be released on bail. On the other hand, learned APP strongly opposed the application.
4. Having gone through the charge sheet and the material collected by the Investigating Officer during investigation it is

evident that there is sufficient circumstantial evidence namely the spot of incidence from where the deceased was taken to hospital, i.e. the courtyard of the house of the Applicant. There is recovery of an axe having blood stains, from the Applicant. Furthermore, there is a motive which prima facie connects the Applicant with the alleged offence.

5. Moreover, there are statements of witnesses and in the statement a witness namely Bhimabai supports the case of prosecution and shows complicity of the Applicant in the alleged offence. In the circumstances, as the offence is very serious and sufficient evidence is collected by the Investigating Officer against Applicant, I am not inclined to grant bail. Accordingly application is rejected.

6. The High Court Legal Services Committee is directed to pay appropriate fees of Mr.Ajit Savagave who has represented and espoused the cause of Applicant.

(ANIL S.KILOR, J.)

MST