

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3100 OF 2024

Vijay Maruti Patil, Age 32 years,
Occ.Labour, R/o.Building No.3, Flat no.10,
Sanjeevani Police Colony, Bhoisar East,
Palghar (Presently lodged in Yerwada Prison). Applicant
versus
The State of Maharashtra Respondent

Mr.Aniket Nikam i/by Mr.Amit Icham, Advocate for Applicant.
Mrs.Veera Shinde, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 23rd 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.259 of 2023 registered with Bibvewadi Police Station, District Pune, for the offences punishable under Sections 302 r/w 34 of the Indian Penal Code.
3. Having gone through the charge sheet and material collected by the Investigating Officer during investigation it is evident that the offence is not premeditated or there was no motive to commit the offence. The offence took place in a spur of moment. There was no motive to kill the deceased. Furthermore the whole case is based on circumstantial evidence. In that view of the matter, though learned APP is strongly opposing the application, I am of the opinion that

since the Applicant is in jail from last one year and there is unlikelihood that trial will conclude in the near future, I pass following order :

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.259 of 2023 registered with Bibvewadi Police Station, District Pune, for the offences punishable under Sections 302 r/w 34 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 attend Bibvewadi Police Station, District Pune, on every 1st and 16th of every month between 10.00 a.m and 11.00 a.m till conclusion of 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 for cancellation of bail if the Applicant breaches any condition or misuses the liberty or 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.

(ANIL S.KILOR, J.)