

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3260 OF 2024

Sandip S. Ingale ...Applicant
V/s.
The State of Maharashtra ...Respondent.

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Mr. S.D. Paithane a/w. Mr. Hemant Deshmukh i/b Mr. Aditya S.
Raktade for the Applicant.
Mr. Vinod Chate, APP for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 17.03.2025.

P.C. :

1. This is an application for regular bail.
3. The applicant came to be arrested in Crime No.443 of 2021 registered at Karad Taluka Police Station, Satara for the offences punishable under Sections 302 and 341 read with 34 of the Indian Penal Code.
4. The present applicant is accused No.2. According to the prosecution, accused No.1 had suspicion that his wife had illicit relations with the deceased. It is alleged that thus on the date of incident which took place on 25.9.2021, accused No.1, the present applicant and other co-accused committed the murder of deceased by deadly weapons.
5. I have heard the learned counsel for the applicant and the learned APP for the respondent - State and perused the written notes of arguments filed by the learned counsel for the applicant.

6. Learned counsel for the applicant submits that the medical evidence is not consistent with the statements of eye-witnesses. It is submitted that the applicant is in jail for 3 and ½ years and the trial has not commenced. It is further submitted that there are no other criminal antecedents. In support of his submission that bail is rule and refusal is an exception, the learned counsel for the applicant has relied upon the decision of the Hon'ble Supreme Court in ***Manish Sisodia vs. Directorate of Enforcement***¹.

7. On the other hand, learned APP for the respondent/State submits that the case is based on direct evidence. There are three eye-witnesses. It is submitted that the deceased was brutally assaulted by sword etc. The learned APP submits that considering the nature of offence, the applicant may not be released on bail and at the most the trial be expedited.

8. I have perused the statements of eye-witnesses. They have attributed specific *overt-act* to the present applicant. It appears that the deceased was brutally assaulted. *Prima facie*, there appears to be no inconsistency in the medical evidence and the version of the eye-witnesses. Considering the nature of offence, I am not inclined to release the applicant on bail. The Application is rejected.

[N.R.BORKAR, J.]

¹ SLP (Criminal) No. 8781 of 2024 a/w. SLP (Cri.) No. 8772 of 2024 decided on 09.08.2024