

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

BAIL APPLICATION NO. 5311 OF 2024

Goroba Tukaram Mahatme	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Ms. Shubhangi Parulekar, Advocate for the Applicant.

Ms. Anamika Malhotra, A.P.P. for the Respondent – State.

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CORAM	:	N. R. BORKAR, J.
DATE	:	06th MARCH, 2025.

P.C.:

1. This is an application for regular bail.

2. The applicant came to be arrested in Crime No.527 of 2021 registered at Vairag Police Station, District : Solapur, for the offences punishable under Sections 302, 307 and 504 of the Indian penal Code, 1860 and Section 3 read with Sections 25 and 27 of the Arms Act, 1959.

3. The applicant was working as constable with State Reserve Police Force. It is alleged that the applicant was suspecting that his wife had extra-marital affair. It is alleged

that thus on the date of incident, which took place on 20.10.2021 for whole day the applicant was quarreling with his wife. It is alleged that the brother of the applicant's wife was informed about the said quarrel and he was called to take the applicant's wife to her maternal home. It is alleged that when the brother of the applicant's wife came to the house of the applicant, an altercation took place between them. It is alleged that during the said altercation the applicant had fired gun shots from his service revolver, which caused death of friend of brother of the applicant's wife and injury to witness Balaji Mahtme.

4. The learned counsel for the applicant submits that the applicant was abused and slapped. He thus in a heat of anger did the said act of firing. It is submitted that the applicant is in jail for more than three years and trial has not commenced.

5. On the other hand, the learned A.P.P. for the Respondent-State submits that considering the nature of offence, the applicant may not be released on bail.

6. *Prima facie* the incident does not appear to be premeditated. The applicant is in jail for more than three years

and the trial has not commenced. In that view of the matter, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No.527 of 2021 registered at Vairag Police Station, District : Solapur, for the offences punishable under Sections 302, 307 and 504 of the Indian penal Code, 1860 and Section 3 read with Sections 25 and 27 of the Arms Act, 1959 on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not tamper with the prosecution evidence/witnesses.
- (iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)