

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2871 OF 2024

Vijay R. Patil ...Applicant
V/s.
The State of Maharashtra ...Respondent.

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Mr. Himanshu S. Gavit for the Applicant.
Mrs. Veera Shinde, APP for the Respondent/State.
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CORAM : N.R. BORKAR, J.
DATE : 13.03.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 131 of 2023 registered at Adgaon Police Station, Nashik for the offences punishable under Sections 302, 323 and 506 read with 34 of the Indian Penal Code.
3. The deceased was running a Tyre repairing shop. According to the prosecution, on the date of incident, which took place on 29.4.2023, the present applicant and the co-accused came to his shop on two motorcycles. They told him to examine tyre pressure of their vehicles. It is alleged that he refused to do so. It is alleged that they got annoyed and assaulted him by knife and committed his murder.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

5. Learned counsel for the applicant submits that the applicant is in jail for about 14 months. It is submitted that the incident was not premeditated. It is submitted that considering the overall facts and circumstances, the applicant may be released on bail.

6. On the other hand, learned APP for the respondent/State submits that the case is based on oral dying declaration. It is submitted that in the oral dying declaration the deceased has attributed a specific overt act to the present applicant. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the alleged oral dying declaration. According to the said oral dying declaration, the present applicant had caught hold of the deceased and the co-accused Yash Pawar assaulted him by knife. Considering the nature of offence, I am not inclined to release the applicant on bail. Hence, the Application stands rejected.

[N.R.BORKAR, J.]