

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3799 OF 2024

Hanumant H. Naikodi ...Applicant
V/s.
The State of Maharashtra ...Respondent.

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Ms Sana Raees Khan a/w. Ms Neha Balani for the Applicant.
Mr. T.G. Khan , APP for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 28.02.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.38 of 2024 registered at Chakan Police Station, Pune for the offences punishable under Sections 302 read with 34 of the Indian Penal Code and Section 4 read with 25 of the Arms Act and Section 37(1)(3) read with Section 135 of the Maharashtra Police Act.
3. The present applicant is the accused No.2 in the aforesaid crime. According to the prosecution, there was property dispute between the deceased and accused No.1. It is alleged that he, thus entered into conspiracy with the present applicant to kill the deceased. It is alleged that pursuant to the said conspiracy, on the date of incident which took place on 15.1.2024, the accused No.1 and the present applicant assaulted the deceased by sharp weapons and committed his murder.

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

5. The case is based on direct evidence. There are two eye-witnesses to the alleged incident. The present applicant was not known to them. Thus after the arrest of the applicant, test identification parade was conducted. However, in the said parade the eye-witnesses could not identify the present applicant. The motive is attributed to accused No.1. Learned APP submits that there is recovery of the bloodstained clothes at the instance of present applicant. However, considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 38 of 2024 registered at Chakan Police Station, Pune for the offences punishable under Sections 302 read with 34 of the Indian Penal Code and Section 4 read with 25 of the Arms Act and Section 37(1)(3) read with Section 135 of the Maharashtra Police Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month ,i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

[N.R.BORKAR, J.]