

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

CRIMINAL BAIL APPLICATION NO. 4256 OF 2024

Nitin Shivaji Malve	...Applicant
<u>VERSUS</u>	
The State of Maharashtra	...Respondent

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Ms. Sana R. Khan a/w Ms. Juhi Kadu, Advocate for the Applicant.

Ms. P. S. Rane, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 01.04.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 345 of 2023 registered at Paud Police Station, Dist-Pune Rural for the offences punishable under Sections 302 and 201 r/w 34 of the Indian Penal Code and Sections 4 r/w 25 of the Indian Arms Act.
3. The present applicant is accused No.2 in the aforesaid crime. According to the prosecution, the accused No.1 had illicit relations with the wife of the deceased. It is alleged that the deceased with a view to defame the applicant had uploaded certain photographs of his wife with the applicant on social media. It is alleged that the accused No.1 was thus annoyed with the deceased and thus on the date of incident, which took place on

19.08.2023 he along with 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 learned counsel for the applicant submits that the case is based on circumstantial evidence. It is submitted that the motive for the alleged crime is not attributed to the present applicant. It is submitted that the applicant is in jail for one and half years and the trial has not commenced.

6. On the other hand, the learned A.P.P. for the respondent/State submits that there is a recovery of Koyta and motorcycle at the instance of the applicant. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. The case is based on circumstantial evidence. The motive for alleged crime is not attributed to the present applicant. The applicant is in jail for more than one and half years and the trial has not commenced. Considering the overall facts and circumstances, 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

Crime No. 345 of 2023 registered at Paud Police Station, Dist-Pune Rural for the offences punishable under Sections 302 and 201 r/w 34 of the Indian Penal Code and Sections 4 r/w 25 of the Indian Arms 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 am to 2:00 pm, till conclusion of the trial.

6. Application stands disposed of accordingly.

(N. R. BORKAR, J.)