

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

BAIL APPLICATION NO. 4603 OF 2024

Lavu Bhikaji Joshi	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Pravin Upadhyay, Advocate for the Applicant.

Mr. P. H. Gaikwad, A.P.P. for the Respondent – State.

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CORAM	:	N. R. BORKAR, J.
DATE	:	07th MAY, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.172 of 2022 registered at Malvan Police Station, District : Sindhudurg, for the offences punishable under Sections 304, 201 read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC').
3. The applicant is the Accused No.1 in the present crime. The deceased was fisherman by occupation. On 12.10.2022, the deceased went for fishing along with the

present applicant and co-accused. It is alleged that in the intervening night of 12.10.2022 and 13.10.2022 dispute arose between the deceased and the applicant on account of some trivial issue. It is alleged that during the said dispute, the applicant had pushed the deceased off the boat and into the sea.

4. I have heard the learned counsel for the applicant and learned A.P.P for the Respondent-State.

5. The learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that the case is based on circumstantial evidence. It is submitted that the applicant is in jail for two years and six months 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 material to show that the applicant and the deceased together had gone for fishing and then dead body of the deceased was found. It is submitted that considering the nature of crime, the applicant may not be released on bail.

7. The case is based on the circumstantial evidence. The applicant is in jail for two years and six months and the trial is not likely to conclude in near future as it is still at the stage of framing of charge. There are no other criminal antecedents. Considering the said facts, 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.172 of 2022 registered at Malvan Police Station, District : Sindhudurg, for the offences punishable under Sections 304, 201 read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC') on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) Application stands disposed of accordingly.

(N. R. BORKAR, J.)