

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

CRIMINAL BAIL APPLICATION NO. 5023 OF 2024

Shubham Vitthal Gunjal	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Satyavrat Joshi a/w Mr. Ashish Kachole, Ms. Reena Prajapati
i/by Mr. Ishan Paradkar, Advocate for the Applicant.

Mrs. G. P. Mulekar, A.P.P. for the Respondent – State.

Mr. Digvijay Chaugule, Khadki Police Station, present.

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CORAM	:	N. R. BORKAR, J.
DATE	:	29th JANUARY, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 101 of 2024 registered with Khadki Police Station, District : Pune for offences punishable under Sections 302, 201 r/w Section 34 of the Indian Penal Code, 1860.
3. According to the prosecution the deceased and the present applicant were known to each other. They used to consume liquor together. It is alleged that on the date of

incident which took place on 17.03.2024 on account of some trivial reason dispute arose between the deceased on one side and the present applicant and other co-accused on the other side. It is alleged that the present applicant along with co-accused assaulted the deceased by knife and stone and committed his murder. It is alleged that with a view to cause disappearance of the evidence, the dead body was burnt.

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

5. Learned counsel for the applicant submits that the case is based on circumstantial evidence. It is submitted that except the recovery of knife at the instance of the present applicant, there is no other incriminating material against the present applicant. It is thus submitted that the applicant may be released on bail.

6. On the other hand, learned A.P.P submitted that there is material to show that on the date of incident, the applicant and the deceased were together. It is submitted that considering the nature of the offence, the applicant may not be released on bail.

7. The case is based on circumstantial evidence. The prosecution has not filed transcript in relation to the alleged incriminating C.C.T.V. footage. Prima facie the incident does not appear to be premeditated. 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. 101 of 2024 registered with Khadki Police Station, District : Pune for offences punishable under Sections 302, 201 r/w Section 34 of the Indian Penal Code, 1860. on executing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall attend the concerned Police Station twice in a month on first and third Saturday of the month between 11:00 a.m. to 1:00 p.m. till conclusion of trial;
- (iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)