

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 5024 OF 2024

Dinesh D. Deshmukh
V/s.
State of Maharashtra

...Applicant
...Respondent.

.....
Ms Pooja Agarwal (through VC) a/w. Mr. Shubham Sane and
Mr. Rajesh Ranglani for the Applicant.
Mr. S.S. Choudhari, APP for the Respondent/State.
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CORAM : N.R. BORKAR, J.
DATE : 24.03.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.187 of 2023 registered at Pune Railway Police Station, Pune for the offences punishable under Section 302 read with 34 of the Indian Penal Code and Section 147 of the Indian Railways Act.
3. It is the case of the prosecution that on the date of incident, which took place on 23.4.2023, dispute arose between the deceased on one side and the applicant and co-accused on the other side and during the said dispute, it is alleged that the present applicant and the co-accused assaulted the deceased 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 according to the prosecution, witness Niles Naidu is an eye witness to the

incident. It is submitted that his statement however came to be recorded after two months. It is submitted that even otherwise the alleged assault by knife is attributed to the co-accused Santosh Ghate. It is submitted that there are no other criminal antecedents. It is thus submitted that the applicant may be released on bail.

6. On the other hand, learned APP for the respondent/State submits that the applicant is involved in serious offence. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the statement of the eye-witness recorded under Sections 161 and 164 of the Cr.P.C. The alleged assault by the knife is attributed to the co-accused Santosh. There are no other criminal antecedents against the applicant. 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 C.R. No. 187 of 2023 of registered at Pune Railway Police Station, Lohmarg Pune for the offences punishable under Section 302 read with 34 of the Indian Penal Code and Section 147 of the Indian Railways 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.

[N.R.BORKAR, J.]