

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 5043 OF 2024

Devram V. Kokate ...Applicant
V/s.
State of Maharashtra ...Respondent.

.....

Ms Pooja Agarwal for the Applicant (through VC).
Mrs. Anamika Malhotra, APP for the Respondent/State.

.....

CORAM : N.R. BORKAR, J.
DATE : 23.04.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.208 of 2023 registered at Narayangaon Police Station, Pune rural for the offence punishable under Sections 302 and 120-B read with 34 of the Indian Penal Code.
3. The present applicant is accused No.2 in the aforesaid crime. The deceased was husband of accused No.3. It is alleged that the accused No.3 was having illicit relation with accused No.1 and thus they conspired to kill the deceased as he was opposing their relationship. It is alleged that pursuant to said conspiracy, on the date of incident, which took place on 25.05.2023, the present applicant and accused No.1 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. 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 and accused No.3 to whom motive is attributed has been granted bail. It is submitted that the applicant is in jail for 2 years and the trial has not commenced. It is submitted that there are no other criminal antecedents.

6. On the other hand, learned APP for the respondent / State submits that the deceased was lastly seen alive in the company of the present applicant and accused No.1. It is submitted that considering the nature of crime, the applicant may not be released on bail.

7. Admittedly, the motive is not attributed to the present applicant. The case is based on circumstantial evidence. The applicant is in jail for about 2 years and the trial has not commenced. There are no other criminal antecedents. 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. 208 of 2023 registered at Narayangaon Police Station, Pune rural for the offence punishable under Sections 302 and 120-B read with 34 of the Indian Penal Code 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.]