

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

CRIMINAL BAIL APPLICATION NO. 1573 OF 2025

Rohit Dattatray Khomane	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Ms. Sana Raees Khan a/w Mr. Sumit Sharma, Advocate for the Applicant.

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

Mr. S. R. Kulkarni, (A.S.I.) Vadvaon-Nimbalkar Police Station, Pune Rural, present.

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CORAM	:	N. R. BORKAR, J.
DATE	:	23rd APRIL, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 368 of 2022 registered at Vadgaon-Nimbalkar Police Station, District : Pune (Rural) for the offences punishable under Sections 302, 364, 201 r/w Section 34 of the Indian Penal Code.
3. The applicant is accused No.1 in the aforesaid crime. The deceased was the husband of accused No.2. It is alleged that the present applicant and the accused No.2 were in

relationship. It is alleged that on the date of incident, which took place on 19.02.2022, the present applicant and accused No.2 assaulted the deceased by wooden stick etc. and committed his murder as the deceased was harassing the accused No.2.

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 there is a delay in lodging the FIR. It is submitted that the statements of alleged eye witnesses came to be recorded after nine months. It is submitted that the applicant is in jail for two 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 the case is based on direct evidence. It is submitted that the deceased was brutally assaulted and then thrown in a canal. It is submitted that considering the nature of crime, the applicant may not be released on bail.

7. I have perused the statement of the mother of deceased recorded under Section 164 of Cr.P.C.. According to her on 19.02.2022 itself she had seen the deceased lying in

unconscious condition in the car of the present applicant. Admittedly, thereafter, dead body was found on 21.02.2022. However First Information Report came to be lodged after nine months i.e. on 01.11.2022.

8. The applicant is in jail for two and half years and the trial has commenced. Considering the over all facts and circumstances of the case, 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. 368 of 2022 registered at Vadgaon-Nimbalkar Police Station, District : Pune (Rural) for the offences punishable under Sections 302, 364, 201 r/w Section 34 of the Indian Penal Code, on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not enter into the limits of Baramati Taluka except to attend the dates before the trial Court;
- (iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)