

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

CRIMINAL BAIL APPLICATION NO. 2994 OF 2022

Anna Sopan Mane

....Applicant

Versus

State of Maharashtra

....Respondent

Ms. Vilasini Balsubramanium i/b Mr. Jaydeep D. Mane for the Applicant.

Mr. Amit A. Palkar, APP, for the Respondent-State.

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CORAM : G. A. SANAP, J.

DATE : 26th OCTOBER, 2023.

P.C. :

1. The Applicant has made this Application for bail in C. R. No. 59 of 2022 registered with Karmala Police Station, District - Solapur for the offences punishable under Section 302 of the Indian Penal Code, 1860 (for short "IPC").

2. The learned Advocate for the Accused submitted that after completion of investigation charge-sheet has been filed. The detention of the Accused in the submissions of the learned Advocate is not

necessary for further custodial interrogation. Learned Advocate submitted that the Accused is 67 years old and therefore, the case in question is fit to exercise the discretion in his favour. The learned Advocate submitted that the deceased was the cousin brother of the Accused. They were doing the labour work and staying at the fields of the different owners adjoining to each other. Learned Advocate submitted that the trial may take its own time for completion and therefore, in this case further incarceration of the Accused is not warranted. The learned Advocate submitted that the Accused is ready to abide by the conditions that may be imposed by this Court.

3. Learned APP submitted that at instance of the Accused the wooden stick used in the commission of crime is recovered. Learned APP submitted that considering the serious nature of the crime, the accused may not be released on bail. The learned APP submitted that the possibility of the accused pressurizing the prosecution witness cannot be ruled out.

4. Perused the record and proceedings. There is no direct witness to the incident. The accused was arrested on the basis of suspicion. It is the case of prosecution that his conduct after death, created a doubt in the mind of the informant. It is true that in this

case after arrest of the Accused, the wooden stick was recovered at the instance. As per the case of prosecution that the blood was detected on the wooden stick. Similarly the blood was detected on the cloths of the accused. The C. A. report is awaited. The accused has been in jail for more than 1 ½ years. He is 67 years of age.

5. In my view, considering the nature of evidence on record, further incarceration of the accused may not be warranted. Accordingly the Application made by him for bail is allowed. The apprehension put forth by the learned APP can be taken care of by imposing appropriate conditions.

ORDER

- i. Bail application is hereby allowed.
- ii. Applicant/accused by name Anna Sopan Mane, be released on bail on executing PR and SB of Rs. 30,000/- (Thirty Thousand) or two surety of Rs. 15,000 (Fifteen Thousand).
- iii. Applicant/accused is hereby directed not to tamper with prosecution evidence and pressurize prosecution witnesses directly or indirectly.
- iv. Further he is directed not to contact with

informant, witnesses, her relatives directly or indirectly.

- v. He shall not enter the jurisdictional limits of Karmala Police Station till the conclusion of the trial.

(G. A. SANAP, J.)