



Diksha Rane

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

BAIL APPLICATION NO.59/2023

TATYASAHEB ALIAS SANTOSH
SUKHDEV KADAM

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Bhalchandra Shinde a/w. Adv. Ganesh Pawar for the
applicant.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 3, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 302, 201, 504, 506 of the Indian
Penal Code (hereafter 'IPC' for short) registered on
6/11/2021 vide First Information Report (FIR) No.1379/2021
with Sangola Police Station, District – Solapur.

3. The applicant is the elder brother of the deceased. The
applicant and the deceased were having dispute over the
property which belonged to their father. The applicant's

father had already allotted the property in respective names of the applicant, deceased and their sister. Some part of the property remained with the applicant's father. The applicant and the deceased were insisting their father in respect of that property, the same should be allotted to them.

4. It is the prosecution case that on the date of the incident, the applicant's father was woken up by the applicant and informed that the deceased is lying in a pool of blood in his room. The applicant, the deceased and their father were residing in the same house. The applicant then proceeded to get some medical help. The applicant came back home and informed his father that there is nobody to help them. The victim was lying in a badly injured condition. The statement of the father indicated that when he tried questioning the applicant, the applicant threatened his father that he will meet the same fate as the deceased. Learned APP submitted that there is also material on record in the form of extra judicial confession.

5. The applicant was arrested on 6/11/2021. Learned counsel for the applicant submitted that the trial is likely to take long time to conclude as even the charge are not

framed and there are 22 witnesses to be examined.

6. In the present facts and circumstances of the case and having regard to the manner in view of the nature of accusations as seen from the materials on record, though learned counsel for the applicant was at pains to point out that this is a case purely based on the circumstantial evidence, in my opinion, this is not a fit case to enlarge the applicant on bail. The observations are *prima facie* limited for considering the bail application. The application is rejected.

7. The application is disposed of.

(M. S. KARNIK, J.)