

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 430 OF 2023**

Suman Shrihari Shelke

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Vikas Shivarkar i/b Mr. Jayendra Khairnar for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 3 MARCH 2023

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 112 of 2022 registered at Nashik Taluka Police Station for the offences punishable under Sections 302, 323, 341, 352 r/w 34 of the Indian Penal Code.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. According to the prosecution, there was a dispute between the deceased and accused on account of ownership of land bearing Gat No. 60 at village Jalalpur, District Nashik. It is alleged that on account of said dispute, on the date of incident, which took place on 16 June 2022, the

present applicant and other co-accused assaulted the deceased by spade and committed his murder.

5. I have perused the statement of the wife of the deceased, who according to the prosecution is an eye witness to the alleged incident. According to her, co-accused Shrihari Shelke had caught hold of the deceased and co-accused Jaideep Shelke had assaulted him by the spade. According to her, when she tried to intervene, the present applicant assaulted her by fist and kick blows.

6. Considering the role attributed to the present applicant, I am inclined to release her on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 112 of 2022 registered at Nashik Taluka Police Station for the offences punishable under Sections 302, 323, 341, 352 r/w 34 of the Indian Penal Code on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not temper with the prosecution evidence.

(N.R. BORKAR, J.)