



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

BAIL APPLICATION NO. 1022 OF 2023

BABURAO SINNA @ GUNDAPPA LIMBOLE .. APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Vijay Kurle, for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 11, 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 section 302 read with 34 of the Indian Penal Code, 1860 registered vide C.R. No. 0424 of 2021 dated 08/09/2021 with Jodbhavi Peth Police Station. The applicant is arrested on 11/09/2021.

3. It is the case of the prosecution that the deceased Namdev had an extra marital relationship with the sister of the accused no.1 and accused no.4. The present applicant is the accused no.4. The applicant is the real brother of accused no.1. The deceased Namdev

had on an earlier occasion misbehaved with the wife of the accused no.1. The wife of accused no.1 therefore registered a complaint against Namdev with the police station. Namdev was annoyed with the lodging of the complaint against him, therefore, on the date of the incident, barged into the house of the accused and started abusing the accused no.1. He insisted that the complaint filed against him be withdrawn. The accused were trying to push the deceased Namdev out of the house. Namdev was abusing the accused. It is alleged that the present applicant threw chilli powder on the deceased. Accused no.1 went inside and brought an axe. Accused no.1 delivered several blows with the axe on the deceased. Accused no.1 went to the police station and surrendered. The accused no.1 narrated the entire incident at the police station. Accused no.1 was arrested.

4. Learned APP opposed the application contending that the deceased was assaulted in a very brutal manner.

5. Considering the nature of the accusations against the present applicant, in the facts and circumstances of the present case, considering the role of the present applicant, the applicant can be enlarged on bail. The applicant was arrested on 11/09/2021 and is

in custody almost for 2 years. There is no possibility of trial concluding any time soon. Investigation is complete. The charge-sheet is filed.

6. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Baburao Sinna @ Gundappa Limbole in connection with C.R. No. 424/2021 registered with Jodbhavi Peth Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 4 weeks in lieu of surety.

(d) The applicant shall attend the investigating officer of the concerned police station once in two months commencing from October 2023 on every first Monday of the alternate month between 11.00 a.m. and 1.00 p.m.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The

applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

7. The application is disposed of.

(M. S. KARNIK, J.)