

PMB

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

BAIL APPLICATION NO.2547 OF 2021

SUNIL LADKYA BARAF AND ANR. ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Salimuddin A. Shaikh for applicant.

Ms. A. A. Takalkar, APP for the State.

Mr. A. K. Bhoje, ASI, Vikramgad Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 5, 2023.

P.C. :

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

2. This is an application for bail in respect of the C.R. No.I-50 of 2017 registered with Vikramgad Police Station for the offence punishable under Sections 302, 324, 326, 144, 147, 148, 149 read with Section 34 of the Indian Penal Code, 1860.

3. The applicant No.1-Sunil Ladkya Baraf is the original accused No.7. The applicant No.2-Mahesh Ladkya Baraf is the original accused No.5. The date of the incident is

23/07/2017. There were some civil disputes between two rival groups. On the date of the incident, it is alleged that the accused, 25 in number, assaulted the group which the deceased-Kashiram Dhavaji Karpat belonged. It is alleged that accused No.1-Raju Mannu Karpat gave a blow with a wooden rod on the head of the Kashiram, who succumbed to the injury. The role assigned to the present applicants is that they assaulted the witness-Raju Mannu Karpat with a wooden rod. The injuries sustained by Raju are simple in nature. The applicants were arrested on 24/07/2017 and in custody for more than 5 years and 5 months. I am informed that the charge has not so have been framed. In this view of the matter, the possibility of the trial concluding any time soon appears to be distant. Considering that the applicants incarcerated more than 5 years and 5 months and having regard to the role assigned to them, the applicants herein can be released on bail. There are no criminal antecedents reported against the applicants. The investigation is complete and chargesheet is filed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicants–Sunil Ladkya Baraf and Mahesh Ladkya Baraf in connection with C.R. No. I-50 of 2017 registered with Vikramgad Police Station shall be released on bail on their furnishing P.R. bond in the sum of Rs.25,000/- each with one or more sureties in the like amount.
- (c) The applicants are permitted to furnish cash bail surety in the sum of Rs. 25,000/- each for a period of 6 weeks in lieu of surety.
- (d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicants should not tamper with evidence.
- (e) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the Investigating Officer of the concerned Police Station and shall keep him updated, if there is

any change.

f) The applicants shall attend the concerned Police Station once in a month on every Monday of the first week of the month between 11.00 a.m. and 1.00 p.m.

4. The Bail Application is disposed of.

(M. S. KARNIK, J.)