



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

**INTERIM APPLICATION NO. 1827 OF 2023
WITH
INTERIM APPLICATION NO. 2518 OF 2023
IN
CRIMINAL APPEAL NO. 1186 OF 2022**

Suresh Dharma Dhinda
v/s.
The State of Maharashtra

.... Applicant

.... Respondent

Mr. Jai Kanade i/b. Rahul Shirgavkar, appointed for the Applicant/
Appellant.
Ms. M.M. Deshmukh, APP for the State.

**CORAM: SMT. ANUJA PRABHUDESSAI AND
N.R. BORKAR, JJ.**

DATED : 13th SEPTEMBER, 2023.

P. C. :-

. By order dated 15/02/2023, the Applicant was ordered to be released on bail on executing P.R. bond in the sum of Rs.25,000/- with one or two sureties in the like amount. By this application, the Applicant seeks his release on cash bail.

2. Heard learned counsel for the Applicant and learned APP for the State. We have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The records reveal that the Applicant has been convicted for the offence under section 302 of the Indian Penal Code and has been sentenced to undergo life imprisonment. While releasing the Applicant on bail vide order dated 15/02/2023, this Court had observed that the only incriminating material which can be considered against the Applicant is that of blood stained axe. Though the Applicant was ordered to be released on bail vide order dated 15/02/2023, he continues to be in jail in view of his inability to secure sureties.

4. Learned counsel for the Applicant states that the Applicant comes from poor tribal family and that he is unable to arrange for sureties.

5. Considering the fact that the Applicant continues to languish in jail for over 07 months despite the order of bail, for the reason that he belongs to poor tribal family, in our considered view, order needs to be modified. Hence, the order dated 15/02/2023 passed in Interim Application No.3439/2022 is modified to the extent that the Applicant is permitted to furnish cash bail in the sum of Rs.25,000/- within a period of two weeks.

6. Both Interim Applications stand disposed of.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)