

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

**CRIMINAL BAIL APPLICATION NO. 2400 OF 2022**

Sunil Gajanan Tambe

...Applicant

**V/s.**

The State of Maharashtra

... Respondent

NILAM  
SANTOSH  
KAMBLE

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Mr.Ganesh Gole i/b Mr.Ateet Shirodkar, for the Applicant.

Mr.Y.Y. Dabke, APP for the Respondent-State.

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**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 27<sup>th</sup> SEPTEMBER 2023**

**P.C:-**

. By this Application, Applicant is seeking bail in Crime No.557 of 2020 registered with Khar Police Station, Mumbai, for the offence punishable under Sections 302 and 326 of the Indian Penal Code ('IPC' for short).

2. It is prosecution's case that, on 18<sup>th</sup> October 2020, deceased was assaulted by the Applicant with grindstone and in the said assault deceased died.

3. It is contention of the learned counsel for the Applicant that, incident was happened in spur of moment. There

was no intention of Applicant to kill the deceased. Applicant is behind bar almost three years. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the Application.

4. The learned APP submitted that, the Applicant had assaulted the deceased with grindstone on his head. Due to the said assault deceased died. The Applicant had intention to kill the deceased. There is *prima facie* case against the Applicant. Hence, requested to reject the Application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. It is alleged that, Applicant had assaulted deceased with grindstone. It appears from the record that, the incident happened in spur of moment. The weapon used in the offence is grindstone. The Applicant is real brother of deceased. Investigation is completed and charge-sheet has been filed. The Applicant is behind bar almost three years.

7. Considering the above, further detention of the Applicant is not required.

8. In view of the above, I pass following order.

**ORDER**

(i) The Applicant be released on bail in Crime No.557 of 2020 registered with Khar Police Station, Mumbai on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.

(ii) After his release from jail the Applicant shall attend the Khar Police Station, Mumbai once in a month i.e. on every 1<sup>st</sup> Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.

(v) Application is allowed in the aforesaid terms.

**(SHIVKUMAR DIGE, J.)**