



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

BAIL APPLICATION NO.2858 OF 2023

MALLAPPA MALSIDHA KAMBLE	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Hrishikesh S. Shinde for the Applicant.

Ms. Veera Shinde, APP for the State.

PSI S. B. Birajdar, Mandrup Police Station, Solapur Rural.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 18, 2023

P.C. :

- 1.** Leave to amend as learned counsel for the applicant submits that there is an error in recording the name of the applicant. Amendment to be carried out forthwith.
- 2.** Heard learned counsel for the applicant and learned APP for the State.
- 3.** This is an application for bail in respect of the offence punishable under Sections 302, 201, 323, 143, 147, 148, 149 of the Indian Penal Code (hereafter 'IPC' for short) registered on 01.11.2022 vide C.R. No.295 of 2022 with Mandrup Police Station, District Solapur.

4. The applicant is the accused no.3. The applicant was arrested on 01.11.2022.

5. My attention is invited to the order dated 11.09.2023 which will cover the facts of the present case. The order reads thus :-

"2. This is an application for bail in respect of the offence punishable under sections 302, 201, 323, 143, 147, 148, 149 read with 34 of the Indian Penal Code registered vide C.R. No.295 of 2022 with Mandrup Police Station, Solapur Rural. The FIR is dated 01/11/2022. The applicant is arrested on 01/11/2022.

3. Learned APP opposed the application.

4. The applicant is a woman. The applicant is in custody since 01/11/2022 almost for 11 months. It is the contention that the deceased was misbehaving with the ladies, one of them is the applicant. As a result of such provocation, the accused persons assaulted the victim. So far as the applicant is concerned, the role attributed is that the applicant assaulted the victim with fist blows. Considering the role of the applicant and in the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. There are no criminal antecedents reported against the applicant."

6. So far as the applicant is concerned, the applicant is the accused No.3. The applicant is alleged to have assaulted the deceased with fist and kick blows.

7. Learned APP submitted that the applicant cannot seek parity with the applicant Nos.4 and 5, who being women

were enlarged on bail. He submits that apart from the role attributed to the applicant that of assaulting the deceased with fist and kick blows, the applicant along with other accused was instrumental in the offence punishable under Section 201 of the IPC. It is submitted by learned APP that assault took place on 31.10.2022 and on the next date when the accused realised that the victim is dead, they concealed the dead body in a hut.

8. The applicant is in custody for more than eleven month. The trial is not likely to conclude soon. In the facts and circumstances of the present case considering that the investigation is complete and the charge-sheet has been filed and having regard to the role of the present applicant, I am inclined to enlarge the applicant on bail. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Mallappa Malsidha Kamble in connection with C.R. No.295 of 2022 registered with

Mandrup Police Station, District Solapur 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 shall attend the Investigating Officer of Mandrup Police Station, District Solapur once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) 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.

(e) 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.

(f) The applicant shall attend the trial regularly.

(g) The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

9. The application is disposed of.

(M. S. KARNIK, J.)