

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

CRIMINAL BAIL APPLICATION NO. 3713 OF 2022

Samir Bapu Nimbalkar	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. A. V. Konde-Deshmukh a/w Mr. Rohin R. Chauhan for the Applicant.

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

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th SEPTEMBER 2023.

P.C. :

1. By this application, applicant is seeking bail in C.R. No. 99 of 2022 registered with Bharti Vidyapeeth Police Station, Pune for offence punishable under Section 302 of Indian Penal Code (for short "IPC").

2. It is prosecution's case that, on 18th February, 2022 complainant returned home at about 6:45 p.m. at that time, she found that her husband was not present at home. He was addicted to alcohol. Thereafter, at about 7:15 p.m. one person told the

complainant that, her husband was assaulted by someone and he is lying down behind Sumati Balwan School. Accordingly, the complainant went there and she found her husband was lying there having injuries on his body. Her husband Dashratsingh was admitted in Bharti Hospital but, thereafter, he was shifted to Sassoon Hospital where doctor declared him dead. In investigation, police arrested the applicant in connection with murder of deceased and recovered iron bar at the instance of applicant which was used in the crime.

3. It is contention of learned counsel for applicant that, deceased was addicted to alcohol and it has come in the statement of eye witnesses. There were injuries on his head. It may have caused because of felling down on ground due to heavy drinking of alcohol. In charge-sheet no role of applicant is attributed for murder of the deceased. Applicant is behind bar for more than one year and six months. Hence, requested to allow the application.

4. It is contention of learned APP that, there was dispute between applicant and deceased, due to that dispute applicant assaulted the deceased with iron bar and later on that iron bar was thrown by the applicant, which was recovered at the instance of applicant. It shows his involvement in the crime. Hence, requested to

reject the application.

5. Learned APP further submitted that, prior to incident there was mobile conversation between applicant and deceased.

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

7. The allegations against the applicant are that, due to old dispute applicant had assaulted the deceased with iron bar. Complainant herself admitted that deceased was habitual drunker. The prosecution's case is based on circumstantial evidence. Applicant is behind bar for more than one year and six months. Investigation is completed and charge-sheet has been filed. Considering the above facts no further detention of the applicant is not required.

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

ORDER

(i) Application is allowed.

(ii) Applicant be released on bail in Crime No. 99 of 2022 registered with Bharti Vidyapeeth Police Station, Pune on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(iii) Applicant shall attend the concerned police station

once in a month i.e. on first Saturday between 11:00 a.m. to 2:00 p.m. till framing of charge.

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

(v) The application is disposed of in the aforesaid terms.

(SHIVKUMAR DIGE, J.)