

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2206 OF 2023

Babu @ Babya Dattapa Kamble .. Applicant
Versus
State of Maharashtra .. Respondent
...

Adv. Sana Khan a/w Ruchita Rajpurohit for the applicant.
Smt. Mahalaxmi Ganpati, APP for respondent- State.
Mr. Ghansyam Nair, P.I. (IO)
Mr. Sunil Sonawane, P.S.I. Charkop Police Station.

CORAM: BHARATI DANGRE, J.
DATED : 5th MARCH, 2024

P.C:-

1 The Second bail application is filed on the ground of long incarceration and Ms.Sana Khan appearing for the applicant who face accusations under Section 302, 436, 120 (B), 201 r/w 34 of IPC would press into service this aspect of the matter.

2 With the assistance of the learned APP, I have perused the charge-sheet, which has compiled the material against the present applicant, who is accused of hatching a conspiracy to cause death of three persons by setting them on fire through one Bhavesh. The material in the charge-sheet include a statement of one Sneha Nilesh Patel, who shared a proximate relationship with Bhavesh and according to her statement, when she met him in a lodge, she found that he had sustained burn injuries and there were boils on his palm and when she inquired, he narrated to her, that he had set one person, Yuvraj on fire at the instance of Babya i.e. the present applicant when he was sleeping in Sai Mandir, but the same incident also resulted in

death of two other persons, whereas he was asked to eliminate only Yuvraj.

No doubt, this is an extra judicial confession and therefore it must find some corroboration and this corroboration is to be found in the statement of one Prakash Shetty as well as one Sushil Khandu Jadhav.

The statements of the aforesaid witnesses clearly establish the role of the present applicant in the subject crime.

3 The criminal conspiracy ultimately will have to be proved at the time of trial, however since the case of the prosecution is based on the chain of circumstances, which at present is clearly reflected through the charge-sheet, considering the heinousness of the offence and the fact that three innocent young persons have been done to death, despite the long incarceration and the assertion of Ms. Khan that till date charge has not been framed, I am not impressed with the period of long incarceration.

However, since the applicant cannot be incarcerated indefinitely, the concerned court is requested to frame the charge within period of 4 weeks from today, as it is informed that matter is listed before the Sessions Court, at Dindoshi for framing of charge tomorrow i.e. 6/03/2024.

For the aforesaid reasons, the Application filed for the second time stand rejected.

(SMT. BHARATI DANGRE, J.)