

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

Interim Application No.3657 of 2025

In

Criminal Appeal No.897 of 2017

Dipak Laxman Kamble

... Applicant

V/s.

The State of Maharashtra

... Respondents.

With

Interim Application No.3656 of 2025

In

Criminal Appeal No.895 of 2017

Nilesh Arjun Tawre

... Applicant

V/s.

The State of Maharashtra

... Respondents.

Mr. Hrishikesh Avhad a/w. Sahilesh Chavan a/w.S.P. Sahane for the applicants.

Mr. A.A.Palkar, APP for the State.

Mr. Nitin Deshpande for the appellant in appeal 900/2017.

**CORAM : M.S. KARNIK &
S.M. MODAK, JJ.**

DATE : 2nd April 2026.

P.C. :

1. Heard learned counsel for the applicants.

2. The applicants are Accused Nos.1 and 4 respectively. In all there are five accused. The date of incident is 30th November 2012. The eye witness to the incident is the wife of the deceased. There was some dispute in respect of accounts maintained in respect of Ughada Maruti Mitra Mandal where the accused and deceased were visiting regularly. On account of this dispute, it is alleged that the accused have assaulted deceased with the sickle. The wife of the deceased is the eye witness. The applicants have undergone a total imprisonment of 10 years 8 months and 25 days. The conduct of the applicants in the jail during this period is not such that the same should be a factor to deprive them the facility of bail. There is nothing adverse reported against them.

3. The learned APP, however, opposed the application for bail. It is submitted that there is an eye witness to the incident. It is further submitted that there is a fatal injury on the head, a vital part, as a result of the blow by the sickle.

4. We find from the nominal role of the applicants produced by learned APP that the applicants have been released on furlough and surrendered in jail on due date. Considering that the applicants are in custody for more than 10 years and having regard to the facts and circumstances of the present case as the hearing of appeal is likely to take some more time, we are inclined to enlarge the applicants on bail.

5. Hence, the following order:

- (i) The substantive sentence imposed in Sessions Case No.397/2013 by the Addl. Sessions Judge, Pune on 13th September 2017 is suspended during pendency of the Appeal and the applicants are enlarged on bail subject to following conditions:-
 - (a) The applicants-accused No.1 – Dipak Laxman Kamble and accused No.4 – Nilesh Arjun Tawre be enlarged on bail in Sessions Case No.397/2013 arising out of C.R. No.359/2012 registered with Sahkarnagar Police Station on their furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties in the like amount.
 - (b) After their release from jail and during the pendency of the present Appeal, the applicants shall attend Sahkarnagar Police Station once in 3 months on first Monday of the concerned month commencing from May 2026
 - (c) The applicants shall furnish all their contact details and residential address before being enlarged on bail.
 - (d) The accused and informant are from the same locality and hence it is necessary to impose a condition that applicants shall not enter the jurisdiction of Sahhkarnagar Police Station, Dhankawadi Police Station, Bibwewadi Police and Parvati Police Station

during the pendency of the appeal. The applicants shall remain present when the appeal is listed for final hearing.

6. This order be communicated to the concerned jail by the Registry where the applicants are lodged.

7. The interim applications are allowed in the aforesaid terms and are disposed of.

(S.M.MODAK,J.)

(M.S.KARNIK, J.)