

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

Interim Application No.1063 of 2026

In

Criminal Appeal No.202 of 2016

With

Criminal Appeal No.202 of 2016

Birabahu Baleshwar Mahanand @ Dhanu

R/o V.K. Industries, Arjan Falia,

Kachigam, Nani Daman

r/o. Dist. Orissa.

. ... Applicant

V/s.

State of Maharashtra and anr.

... Respondents.

Mr. Yashpal Thakur for the applicant.

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

Mr. Ayush Singh h/f. Ashwin Thool for respondent-Union.

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

DATE : 2nd April 2026.

P.C. :

1. Heard learned counsel for the Applicant.
2. The applicant was convicted for offence punishable under Section 302 of IPC. This is an application for bail. The applicant was arrested on 25th April 2011. The allegation is there was some dispute between the applicant-husband and his deceased wife. From

the evidence on record it is seen that as a result of the quarrel the applicant gave an axe blow on the neck of the victim. The victim died. The applicant is in custody almost for a period of 15 years.

3. Ms. Jagtap and Mr. Ayush Singh, learned counsel appearing for Union Territory opposed the application for bail. It is submitted that appeal itself could be heard finally as the offence for which the applicant has been found guilty is serious.

4. No criminal antecedents are reported. The applicant has been in custody for sufficiently long time. It may not be possible for us to take the appeal for hearing immediately considering the pendency situation. The applicant and the deceased both were working on the construction site and residing in a hut at the time of incident. The applicant has a daughter who at the relevant time was 6 years of age. Considering that the applicant is in custody for almost 15 years, we are inclined to enlarge the applicant on bail.

5. Hence, the following order:

(i) The substantive sentence imposed in Sessions Case No.9/2011 by the Sessions Judge, Daman on 3rd May 2012 is suspended during pendency of the Appeal and the applicant is enlarged on bail subject to following conditions:-

(a) The applicant-accused - Birabahu Baleshwar Mahanand @ Dhanu be enlarged on bail in

Sessions Case No.9/2011 arising out of C.R. No.11/2011 registered with Moti Daman Police Station on his furnishing P.R.bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

- (b) After his release from jail and during the pendency of the present Appeal, the applicant shall attend Moti Daman Police Station once in 3 months on first Monday of the concerned month commencing from May 2026.
- (c) The applicant shall furnish all his contact details and residential address before being enlarged on bail. The applicant shall attend the matter when the same is listed for final hearing.
- (d) The applicant shall remain present at the time of hearing of the appeal.

6. We appreciate the assistance of Mr. Thakur who appeared through legal aid for the applicant.

7. This order be communicated to the concerned jail by the Registry where the applicant is lodged.

8. The interim application is allowed in the aforesaid terms and is disposed of.

(S.M.MODAK,J.)

(M.S.KARNIK, J.)