

Anand

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

**BAIL APPLICATION NO.728 OF 2016**

Ganesh Natha Shinde .Applicant

Vs.

The State of Maharashtra .Respondent

WITH

**BAIL APPLICATION NO.989 OF 2016**

Tanaji Ramesh Padwal .Applicant

Vs.

The State of Maharashtra .Respondent

WITH

**BAIL APPLICATION NO.990 OF 2016**

Praneet Chandrakant Shinde .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Prashant Patil, Advocate, for the Applicant  
in B.A.No.728 of 2016

Mr.Satyavrat Joshi, Advocate, for the Applicants  
in B.A.Nos.989 & 990 of 2016

Mr.H.J.Dediya, APP, for the Respondent – State  
in all matters

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 05.07.2016**

**P.C.**

. Heard learned counsel for the Applicants and the learned APP for the Respondent – State.

2. By these Applications, the Applicants seek their enlargement on bail in connection with C.R.No.392 of 2015 registered with the Ghatkopar Police Station, Mumbai, for the alleged offences punishable under Sections 302, 141, 143, 147, 149, 323, 504 of the Indian Penal Code.

3. According to the Complainant – Nitesh Satve, the incident took place on 27.09.2015. He has stated that the incident took place when the process of Ganesh immersion was in progress. He has stated that when Kiran Jadhav was dancing in the procession, Ganesh Shinde punched him on his nose and abused him. The said incident had taken place at about 7.00 p.m.. Thereafter, all the

persons in the procession disbursed. It is alleged that thereafter, at about 7.15 p.m., the Complainant along with his brother Nikhil Satve went and asked why Kiran Jadhav was assaulted, pursuant to which the aforesaid offence took place. It is alleged that there was an altercation between the parties and that both parties started abusing each other. It is alleged that all the accused assaulted Nikhil Satve with fist & kick blows as a result of which Nikhil succumbed to the injuries.

4. Learned counsel for the Applicants submitted that similarly placed co-accused have been enlarged on bail by this Court and by the Sessions Court. They submitted that taking the allegations as it stands, the incident had taken place on the spur of the moment, which is evident from the fact, that no weapons were used. They submitted that there was no intention to kill the deceased and therefore, Section 302

is not made out in the facts of the case. They submitted that the Applicants have no antecedents and have been languishing in jail since September, 2015.

5. Learned APP does not dispute the fact, that co-accused have been enlarged on bail by this Court and by the Sessions Court and that the role of the Applicants is similar to that of the co-accused, who have been enlarged on bail. Learned APP on instructions states that there are no antecedents qua the Applicants.

6. Perused the papers. Investigation is complete and charge-sheet is filed. It appears that the incident has taken place on the spur of the moment. No weapons were used in the commission of the alleged offences. The Applicants are alleged to have assaulted the deceased with fist and kick blows. There are no antecedents qua the Applicants.

7. Considering the aforesaid, the Applications are allowed and the Applicants are enlarged on bail on the following terms & conditions:

**ORDER**

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs.20,000/- each with one or two sureties in the like amount;
- (ii) The applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iii) The applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The applicants to cooperate with the conduct of the trial;

(v) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

8. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**