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

CRIMINAL BAIL APPLICATION NO. 2784 OF 2018

Krushna Dadaram Shinde

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

Mr. Keshav S. Chavan advocate for the applicant

Mr. A. A. Palkar APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 22, 2019.

P.C.

After the arrest on December 20, 2017, applicant came to be charge-sheeted in Crime No. 348 of 2017 registered with Indira Nagar Police Station, Nashik for offence punishable under Sections 302, 143, 147, 148, 149 of Indian Penal Code r/w Sections 37, 135 of Maharashtra Police Act.

2 The prosecution case against the present applicant is, in connivance with other co-accused, applicant has murdered Dinesh

and Devidas. The cause of death of these two persons i.e. Dinesh and Devidas are “Haemorrhage shock due to multiple stab injuries”.

3 In the aforesaid background, the learned counsel for the applicant while trying to making out a case for grant of regular bail would urge that F.I.R speaks of mention about present applicant with a role holding sickle whereas no active participation is attributed to him in the crime in question. He would then urge that even in the supplementary statement, no specific role is attributed to the applicant of use of any weapon. According to him, the statement of other witnesses namely Santosh and Vaibhav named the applicant as the person who has stopped the deceased from moving from the scene of incident after the attack.

4 So far as these two witnesses are concerned, same are relied upon by the learned APP alongwith version of other witnesses for rejection.

5 Considered submissions.

6 The entire charge-sheet is silent on the issue as regards use of weapon by the applicant in the commission of crime but for his person presence on the spot of the incident. Though F.I.R. mentions about holding of sickle by the applicant, there are no attribution that the applicant has used the said sickle in the commission of crime. The statement of other eye witnesses namely Abhishek and others only attribute presence of the applicant on the scene of offence.

7 There are no criminal antecedents.

8 In the wake of above, in my opinion, case for grant of bail is made out. Hence, following order:

(A) Applicant be released in Crime no. 348/2017 registered with Indira Nagar Police Station, Nashik on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(B) Applicant shall not influence witnesses or tamper with evidence.

(C) Till the conclusion of trial, applicant shall not enter the jurisdiction of Indira Nagar Police Station, Nashik.

(D) Applicant, if found in similar type of offence henceforth, Prosecution will be at liberty to move for cancellation of bail.

9 Application stands disposed of.

[NITIN W. SAMBRE, J.]