CHITRA SANJAY SONAWANE
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.521 OF 2022

1. Prakash alias Kashinath Malji More
Age 32 years, Occ: Agriculture
At Post-Umrane, Phulenagar,
Taluka-Devla, Dist.Nashik

2. Keshav Nimba Ahire
Age 23 years, Occ:Agriculture,
At Post-Dongargaon, Tal-Devla,
Dist.Nashik,
(Presently lodged at Central Jail Nashik) ...Applicant.

Versus

The State of Maharashtra
(At the instance of Devla Police Station,
to be served through the office of the
learned Public Prosecutor, High Court
at Mumbai ...Respondent.

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Mr Pratik Kalantri, Advocate a/w Adv. Piyush Toshnival for the Applicant.

Mr M.G.Patil, APP for the State.

...

CORAM : R. N.LADDHA, J.

DATE : 23 DECEMBER 2022

P.C.:

Heard learned Counsel for the parties.

2. By this application, the Applicants are seeking bail in connection with C.R.No.31 of 2021 registered at Devla Police Station, Nashik against the Applicant and other accused for the offences punishable under Sections 302, 307, 324, 504, 506 r/w 34 of the Indian Penal Code, 1860.

3. Mr Pratik Kalantri, learned Counsel appearing on behalf of the Applicants, submitted that the Applicants have been languishing in jail since 21.02.2021. The investigation is complete for all intent and purpose, and the charge sheet has been filed. It is submitted that the trial is not yet started. It is submitted that the Applicants have not assaulted the deceased. Accused No.2/Krishna allegedly assaulted the deceased with a wooden log. Due to the said blow, the deceased sustained injury and, subsequently died. The weapon allegedly used in the crime was recovered at the behest of co-accused Krishna. The injury certificate shows that all the injuries were simple. It is submitted that in the charge sheet, the present Applicants are shown as Accused Nos.1 and 3. It is submitted that the Applicants have no criminal antecedents, and they have roots in Society. It is submitted that there is no possibility of the Applicant fleeing

away or tampering with the witnesses, and if he is enlarged on bail, he will not misuse the liberty of bail.

4. Mr M.G.Patil,learned Additional Public Prosecutor appearing for the State, submitted that the offence was committed in well-planned design by the Applicants. With their common intention, they had committed the crime. The offence is serious. It is submitted that the Applicants were actively involved in the offence that led to the registration of the FIR against them. It is submitted that the witnesses have stated that there was a dispute between the Applicants and the deceased. The Applicants assaulted the first informant with a wooden log and by fists and kick blows.

5. This Court has perused the Application, Charge Sheet filed along with the documents placed on record. It reveals from the record that the incident in question had taken place on 20.2.2021. The Applicants were arrested on 21.2.2021. It appears that the Applicants have not assaulted the deceased. They have assaulted the first informant and the injuries sustained by the first informant appear to be simple. Nothing is recovered at the behest of the Applicants. The Applicants have been behind bars for more than one and a half years. There is nothing on record to show that the Applicants have criminal antecedents. The investigation is complete and charge sheet is filed as far back

as 10.5.2021. The trial is not yet started. The Applicants cannot be said to be at flight risk. No fruitful purpose will be served by keeping the Applicants behind bars.

6. In such a situation, this Court is convinced that bail can be granted to the Applicants, subject to appropriate conditions.

7. Given the above, the Application is allowed in the following terms :

ORDER

a) The Applicants Prakash alias Kashinath Malji More and Keshav Nimba Ahire shall be released on bail in C.R.No.31 of 2021 registered at Devla Police Station, Nashik, on furnishing a P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount to the satisfaction of the concerned Court.

b) The Applicants shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.

c) The Applicants shall furnish the permanent address and contact details to the Inspector of Police of the concerned Police Station and intimate the change, if any.

d) The Applicants shall regularly attend the proceedings before the trial Court.

8. Needless to say, violating any of the conditions above will make the Applicants liable for cancellation of bail.

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 the law, uninfluenced by the observations made in this order.

10. All the parties to act on an authenticated copy of this Order.

[R. N. LADDHA, J.]