

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4436 OF 2021

Nikhil Ashok Shinde

...Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Shailesh D. Chavan a/w Mr.Sachin Arude for the Applicant.

Ms.J.S. Lohokare, APP for the Respondent-State.

Mr.Amol Ramdas Chaskar, HC-1448, Khed Police Station,
Pune(Rural).

CORAM : C.V. BHADANG, J.

DATE : 5 APRIL 2022

P.C.

. By this Application, the Applicant (accused No.3) is seeking bail in Crime No.306 of 2020 registered with Khed Police Station, District-Pune, under Section 302, 143, 147, 148, 120-B of Indian Penal Code and Section 4 and 25 of the Arms Act.

2. The Applicant along with others has been chargesheeted for the offence punishable under Section 302, 143, 147, 148, 120-B of IPC and Section 4 and 25 of the Arms Act for having intentionally caused death of Niranjana Gurav and Bajrang

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Jadhav on account of previous enmity arising out of the murder of one Aniket Randive.

3. I have heard the learned counsel for the Applicant and the learned APP. Perused record.

4. The learned counsel for the Applicant has placed reliance on the order dated 9 February 2022 in BA No.3565 of 2021 by which the co-accused Hemant @ Siddharth @ Omkar Ananda Ovhal has been released on bail.

5. It is submitted that the said order is based on the claim of parity with co-accused Shivram Kattula who has been released on bail by order dated 26 April 2021 in Criminal Bail Application No.937 of 2021.

6. It is submitted that the case is based on circumstantial evidence and the investigation is complete and the charge-sheet is filed.

7. The learned APP has submitted that there is evidence about last seen together and the previous enmity which is sufficient at this stage to refuse bail.

8. I have considered the circumstances and the submissions made.

9. I have also gone through the order dated 9 February 2022 by which the co-accused Hemant Ovhal has been released on bail.

10. According to the prosecution there is a circumstance of last seen together as against the present Applicant. However, a perusal of statement of Meghraj Sawant does not show that the Applicant was seen in the company of any of the deceased.

11. A perusal of the said statement shows that accused Rushikesh Wadekar along with Nikhil Shinde and Bablu Bhalerao, were seen having koyta tucked to their waist. A specific query was made to the learned APP whether there is any witness claiming that he had seen the Applicant in the company of the deceased, shortly before they were found dead on 8 August 2020 to which the answer is in the negative. Thus, no statement has been brought to my notice, to show that any of the deceased was shown in the company of the Applicant, shortly before they were found dead in the morning on 8 August 2020. No other incriminating circumstances has been brought to my notice against the Applicant.

12. In the result, the following order is passed.

ORDER

(i) The applicant-Nikhil Ashok Shinde, be enlarged on bail in Crime No.306 of 2020 registered with Khed Police Station, District-Pune, on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties, in the like amount.

(ii) The applicant shall undertake to remain present before the learned Session Judge during the trial, unless exempted.

(iii) The applicant shall not directly or indirectly make any attempt to contact or to tamper with the prosecution evidence/witnesses.

(iv) The bail bonds to be furnished before the learned Sessions Judge.

(v) It is made clear that the observations herein are essentially of a *prima facie* nature and the learned Sessions Judge shall not be influenced by the same at the trial.

(vi) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.