

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

BAIL APPLICATION NO. 137 OF 2023

Shekhar Suryakant Shinde

...Applicant

vs.

The State of Maharashtra

...Respondent

Ms. Mayuri Hatle - Advocate for the Applicant

Mr. H. J. Dedhia - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 09th FEBRUARY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant/accused No. 3 as per the charge-sheet and learned APP for the State.
2. On the last occasion the matter was adjourned as learned APP wants to verify whether new TIP is conducted and what is outcome. Today he has submitted that it is conducted on 19/08/2022. The witness Popat Kale was witness in that parade. He has not identified the present Applicant. Copy of the panchnama is taken on record and marked as 'Annexure-X'.
3. In addition to that the party is claimed as this Court has granted bail to the co-accused Mayur@ Sonya Maruti Kachare. Its

copy is there on record and it is dated 22/11/2022.

4. The complaint is lodged by Bhiva Aaba Shinde who is brother of the deceased. He is brother of Dhula who used to work with arrested accused Dhiraj Mane for operating harvesting machine. The said Dhula has taken advance money. As deceased neither worked nor repaid the money, the accused Dhiraj took away two tractors and four trolleys. After a part payment he handedover only certain vehicles. The deceased was returning from work on 04/06/2022. He was accompanied by one Popat Kale and one Vikas. When they were returning to Satara, their car was intercepted at Aanewadi Toll Naka. One car followed them. The occupants have assisted accused Dhiraj, deceased was beaten with the help of weapons. That is why F.I.R. is lodged with Bhuinj Police Station. The injured succumbed to the injuries and then offence converted into Section 302 of the Indian Penal Code.

5. During the investigation, the present Applicant was arrested. Now charge-sheet is filed for the offence punishable under Sections 302, 368, 367, 364(a), 363, 326, 324, 323, 504, 506 r/w Section 34 of the Indian Penal Code.

6. Allegation is that the Applicant associated arrested

accused Dhiraj as said above. He is not identified by the witness Popat Kale and there is no incriminating material collected during investigation.

7. Hence he deserves to be released on bail. Hence following order :

ORDER

- (a) The Applicant – Shekhar Suryakant Shinde be released on bail on furnishing PR bond and surety bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (b) The Applicant shall not threaten the prosecution witness.
- (c) The Applicant shall regularly attend the proceedings before the trial Court.

8. 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.

9. Application is disposed of in the aforesaid terms.

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

[S. M. MODAK, J.]