



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

BAIL APPLICATION NO. 584 OF 2023

NILESH VISHWANATH SHIGWAN ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Nitin B. Kamble a/w Adv. Vaibhav Chandanshive a/w
Adv. Siddharth More for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 04, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 302, 324, 323 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered vide C.R. No.568 of 2020 dated 01/06/2020 with Vishrantwadi Police Station, District Pune.
- 3.** The applicant was arrested on 01/06/2020. There are in all 5 accused of which 3 have been released on bail. The applicant is the accused No.2. The case of the prosecution is

that 5 accused assaulted the deceased. The deceased's sister had an affair with the accused No.1 which was not liked by the deceased. On the date of the incident, the accused were sitting and drinking liquor. When the deceased and 2 of his friends were passing by, one of the accused offered them drink. Thereafter, some quarrel ensued between the deceased and accused No.1. It is alleged that the applicant assaulted the deceased with a stump on his head and other parts of the body. The other accused also assaulted the deceased. The cause of death is due to crushed head injury. Eye-witnesses who were accompanying the deceased stated that 2 of the accused hit the deceased on his head with a stone and fled away. Blood-stained stone was found on the spot. There is recovery of a stump from the applicant which is not blood-stained.

4. Learned APP opposes the application and states that there are 2 criminal antecedents reported against the present applicant. The antecedents are in the nature of offences punishable under Section 324 of the IPC registered in the year 2015 and under Section 379 of the IPC

registered in the year 2018.

5. Considering the nature of the accusations, the injury suffered, the weapon used by the applicant, cause of death and the overall facts and circumstances of the present case, the present applicant can be enlarged on bail. It is the accused No.1 who had an issue with the deceased. The investigation is complete. The charge-sheet has been filed. The applicant has been in custody for 3 years and 3 months without any possibility of trial concluding any time soon. In view of the antecedents and as the witnesses who are residing in the jurisdiction of Vishrantwadi police station, I feel it appropriate for the applicant to reside outside the jurisdiction of Vishrantwadi police station, upon his release on bail. The antecedents are not such that the applicant be deprived of the facility of bail altogether, but stringent conditions need to be imposed. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Nilesh Vishwanath Shigwan in connection with C.R. No. 568 of 2020 registered with Vishrantwadi Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall not reside in the jurisdiction of Vishrantwadi police station, till the conclusion of the trial.

(d) The applicant shall attend the Vimannagar police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

6. The application is disposed of.

(M. S. KARNIK, J.)