



Diksha Rane

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

BAIL APPLICATION NO.706/2023

DEEPAK RAJU SHINDE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. S. R. Pille for the applicant.

Ms. Veera Shinde, APP for the State.

API M. D. Ralebhat, Central Police Station, Thane.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 20, 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, 143, 147, 148, 149 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 37(1), 135 of the Maharashtra Police Act registered on 30/5/2020 vide C.R. No.0189/2020 with Central Police Station, Thane.

3. There are in all six accused. The applicant is the accused no.3. Except accused no.2 and the present

applicant, all other accused are enlarged on bail. My attention is invited to the order dated 21/9/2021 passed by this Court in Criminal Bail Application No.186/2021 in respect of the co-accused Vinod Chundaman Magre and Deepak Baban Suradkar enlarging them on bail. My attention is also invited to the order dated 5/8/2021 passed by this Court enlarging the accused – Ravindra Bhalchandra Wagh on bail. Paragraphs 6 and 7 of the order passed in Criminal Bail Application No.186/2021 reads thus:-

“6 The post mortem report of the deceased record multiple abrasions, CLW and incised wound along with stapled wound around the occipital and parietal region. There are in all 29 injuries mentioned in column no.17 along with 5 injuries referred to in column no.19 sub-clause (1). The cause of death is opined “Death due to head injury”. The post mortem report, therefore, lead to an inference that the deceased Golu was brutally assaulted. In order to implicate the present Applicants for the said assault, the prosecution should come up with evidence to establish that the assault is by them, but prima facie the chargesheet do not contain any material to that effect. Statement of witnesses recorded in the chargesheet only lead them till the railway track, what transpired after the crossing of the railway track is not brought on record by the Investigating machinery.

7 This is the precise reason why the co-accused Ravi Wagh came to be released on bail by the court, on which heavy reliance is placed by learned Counsel for the Applicants. In the said order, reference is also made to the 164 statement of the informant

and one Vicky Bhaskar Shinde, where the informant has clearly omitted to mention that the accused persons had chased the deceased with weapons in their hand and therefore, it is recorded that the informant's version is at variance and the benefit must go to the Applicants. There is no reason why the benefit of reasoning while enlarging co-accused Ravi Wagh, shall not be extended to the present Applicants in the wake of the similar material compiled against the accused persons in the chargesheet."

4. In the present case, the only difference is that there is a recovery of knife having blood stains at the instance of the applicant. Having regard to the fact that the co-accused have been enlarged on bail, for the reasons mentioned in the aforesaid orders, even the present applicant who was in the company of the other accused can be enlarged on bail.

5. Learned APP opposed the application for bail. Having regard to the nature of the accusations and the tenor of the orders passed by this Court enlarging the co-accused on bail, in my considered opinion, prima facie the only circumstance of recovery of knife at the instance of the applicant should not be a factor to deprive the applicant the facility of bail. I am of the opinion that the applicant can be enlarged on bail. There are no criminal antecedents reported against the applicant. The applicant is in custody

for more than three years with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. In my opinion, the applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Deepak Raju Shinde in connection with C.R. No.0189/2020 with Central Police Station, Thane, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer on first Thursday of every month between 2.00 p.m. to 5.00 p.m. till the charge-sheet is framed.
- (d) 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.
- (e) 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.

(f) The applicant shall attend the trial regularly.

6. The application is disposed of.

(M. S. KARNIK, J.)