

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

BAIL APPLICATION NO. 2516 OF 2021

Pradeep Shantaram Pankar	..Applicant
VS.	
The State of Maharashtra	..Respondent

Mr. Hrishikesh Mundargi a/w N.M. Nadar for the Applicant.

Ms. P. N. Dabholkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 11, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail filed by the applicant - Pradeep Shantaram Pankar, in connection with C.R. No. I-683 of 2020 registered with Tulinj Police Station, for the offence punishable under sections 302, 324 and 34 of the Indian Penal Code, 1860 ("IPC" for short).
- 3.** The deceased is Dinesh Namdeo Hate. The date of the incident is 28/07/2020 at around 11.30 pm. It is alleged that the applicant alongwith other co-accused Umesh Joshi went to the vicinity where the deceased was residing and

they had a verbal altercation with the person residing in that area. The wife of the deceased states that the applicant alongwith the co-accused was disturbing them and told them so. The applicant and co-accused got annoyed. The applicant got hold of the wife of the deceased and hit her head on the wall. The co-accused assaulted the deceased with a blade on his chest and on other parts of the body. It is alleged that the deceased and his wife was assaulted by fist and kick blows. The deceased died due to a head injury. The co-accused has been released on bail on the ground that he has not been identified in the test identification parade which was held on 01/10/2020.

4. So far as the present applicant is concerned, no doubt he has been identified in the test identification parade. From the statement of the witness, it is revealed that the names of the accused were known to the witnesses prior to the holding of the test identification parade. The charge-sheet has been filed and the investigation is complete. There is one criminal antecedent reported against the applicant under section 307 of the IPC where he has been released on bail. Therefore, in my opinion, having regard to the facts of

the present case, the criminal antecedent is not sufficient to deny the applicant the facility of bail.

5. Considering the role of the applicant and that the head injury which resulted in death is not attributable to the applicant coupled with the fact that the applicant is in custody for almost 2 years and 5 months, the applicant can be released on bail. The trial is not likely to conclude soon. However, stringent conditions need to be imposed. Hence, the following order.

ORDER

(a) The applicant - Pradeep Shantaram Pankar, in connection with C.R. No. I-683 of 2020 registered with Tulinj Police Station, shall be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties of the like amount.

(b) The applicant shall report to the concerned police station once a month i.e. on first Monday of every month between 11.00 a.m. and 01.00 p.m. and thereafter as and when called.

(c) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the Palghar District after being released on bail, till the trial concludes.

(d) The applicant shall furnish his contact number and residential address where he will be staying while residing outside the Palghar District, to the Investigating Officer and shall keep him updated, in case there is any change.

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

6. The application is disposed of.

(M. S. KARNIK, J.)