



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

BAIL APPLICATION NO.1758 OF 2023

SHIVAJI KASHINATH GAIKWAD ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Aniket Vagal a/w Mr. Kunal Pednekar a/w Mr. Divesh
Mehani for the applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 24, 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, 307, 326, 324, 323, 504, 506 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered vide C.R. No.527 of 2021 with Chandwad Police Station, District Nashik.
- 3.** The FIR was lodged on 22.09.2021. The applicant is the accused no.1. The applicant was arrested on 22.09.2021. There are in all four accused. There was

dispute between two groups over some obstacles which was caused by one of the group to pass through the agricultural land. It is alleged that there was quarrel as a result of which the applicant and his brother went to the house and came back with sharp edged weapon. From the statement of the wife of the deceased it appears that it is co-accused Jayesh who assaulted the deceased on his head. There is one injury with a sharp weapon on the head of the deceased as per the post mortem notes. So far as the present applicant is concerned, it is alleged that he assaulted the injured witness Dwarkabai Gaikwad. Dwarkabai suffered simple injuries. The applicant is in custody since 22.09.2021 almost for a period of 1 year and 11 months. The trial is likely to take long time to conclude. The investigation is complete and the charge-sheet has been filed. There are no criminal antecedents reported against the applicant. Considering the role assigned to the applicant, the applicant can be enlarged on bail as the major allegations are against the co-accused Jayesh. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Shivaji Kashinath Gaikwad in connection with C.R. No.527 of 2021 registered with Chandwad 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 to attend Chandwad police station once in a fortnight on 1st and 15th day of each month between 11.00 a.m. and 1.00 p.m.
- (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.

4. The application is disposed of.

(M. S. KARNIK, J.)