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

BAIL APPLICATION NO.1798 OF 2023

AMBADAS LAXMAN SHINDE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Aniket Nikam i/b. Mr. Amit Icham for the applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 28, 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, 341, 323, 504, 506 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered vide C.R. No.15 of 2023 with Chandwad Police Station, Nashik.
- 3.** The applicant was arrested on 10.01.2023. The applicant is the accused No.3. There are in all three accused. There was a dispute over common right of passage. The FIR was lodged by Vishnu Shinde, the son of

the deceased, who is an eye witness. In the FIR, it is stated that the applicant assaulted him on his shoulder with a stick. It is stated that it is the accused Nos.1 and 2 who assaulted the father of the informant on his head and back. The first informant's father succumbed to the injury. The FIR is dated 09.01.2023 in which the applicant is not named as an assailant. In the supplementary statement of the first informant recorded on 12.01.2023, the applicant is not named as an assailant of the deceased. The supplementary statement recorded on 20.01.2023, wherein the incident is narrated, the applicant is not named as an assailant while describing the assailant. However, in the concluding portion of the statement the accusation is made that it is the accused Nos.1, 2 and the applicant who assaulted the deceased with an iron rod and wooden stick. Thus, the applicant was not named in the FIR as an assailant of the deceased nor named in the supplementary statement recorded thereafter.

4. The applicant was arrested on 10.01.2023 and now in custody for almost 7 months. The investigation is complete

and the charge-sheet has been filed. Considering the role of the applicant and the fact that there are no criminal antecedents reported against the applicant, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Ambadas Laxman Shinde in connection with C.R. No.15 of 2023 registered with Chandwad Police Station, Nashik 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 attend the Investigating Officer of Chandwad Police Station, Nashik once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicant shall not enter the jurisdiction of Chandwad Police Station for a period of six months from today except for attending the trial and the Investigating Officer.

(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.

4. The application is disposed of.

(M. S. KARNIK, J.)