



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

BAIL APPLICATION NO. 3520 OF 2023

KIRAN SUNIL GAWALI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Aniket Ujjwal Nikam a/w Adv. Piyush Toshnival i/b Adv.
Amit Icham for the Applicant.

Mr. N. B. Patil, APP for the State.

PI Vinod Patil, Ghoti Police Station, Nashik.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 08, 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, 397, 341, 326, 324, 323, 143, 147, 148, 149, 109 of the Indian Penal Code and Sections 37(1)(3) read with 135 of the Maharashtra Police Act registered on 25/06/2023 vide C.R. No.283 of 2023 with Ghoti Police Station.
- 3.** There are in all 14 accused. The applicant is accused

No.5. It is the case of the prosecution that the complainant and his friend Afan were travelling to Mumbai from Ahmednagar in a Swift car bearing registration No. MH-02-BJ-6525. The accused followed the Swift car. There was cow meat in the car. The accused, therefore, intercepted the car. The informant and the deceased were dragged out of the car and the accused started assaulting them with wooden logs and iron rods. The deceased - Afan was severely injured on his head and other parts of the body. He succumbed to the injuries.

4. Learned APP opposed the application and submitted that the assault had been serious and the intention of the accused was to kill the victim. So far as the applicant's role is concerned, it is submitted that he has taken an active part in the assault on the victim. It is further submitted that the applicant had assaulted the deceased and injured the victim with kicks. Other accused were armed with iron rods and wooden logs. It is further submitted that there are eyewitnesses to the incident who had seen the applicant taking part in the assault. Learned APP requested that

looking at the nature of the accusations, if granted bail the applicant should be imposed a condition of not entering Nashik district till the conclusion of the trial.

5. In the facts and circumstances of the present case, considering the materials, the post-mortem notes and injury certificate of the injured victim, in my opinion, the applicant who was arrested on 25/06/2023 can be enlarged on bail. There are no criminal antecedents reported against the applicant. A wooden rod has been recovered from the applicant but the same is not blood stained. There is no material on record indicating that the applicant assaulted the deceased with the wooden rod. The investigation is complete and the charge-sheet has been filed. It is alleged that the deceased assaulted by kick blows. Though I am inclined to enlarge the applicant on bail, the same is by imposing some stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Kiran Sunil Gawali in connection with C.R. No.283 of 2023 registered with Ghoti 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 is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Ghoti 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.

(g) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter Nashik District after being released on bail, till further orders of the trial Court.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall

not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)