

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3437 OF 2022

Kishor Manik Shinde ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Satyavrat Joshi alongwith Ms. Shivani Kondekar for the Applicant.
Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 28 FEBRUARY 2023

P.C. :-

1. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 662 of 2022 registered at Hinjewadi Police Station, for the offences punishable under Sections 302, 201 r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The bail is sought inter-alia on the ground of parity. In support of the said ground, the learned Counsel for the applicant has placed on record a copy of the order passed by the Sessions Court dated 5

January 2023 in Criminal Bail Application No.6112 of 2022. By the said order, the Sessions Court has granted bail to co-accused Akhil Shinde.

5. According to the prosecution, on date of the alleged incident which took place on 12 July 2022, dispute arose between the deceased and co-accused Nilesh Dhumal while they were consuming liquor on account of some trivial issue and during the said dispute it is alleged that said co-accused Nilesh Dhumal had assaulted the deceased by stick and liquor bottle and committed his murder. The allegations against the present applicant and other co-accused including the co-accused Akhil Shinde to whom the Sessions Court has granted bail are of causing disappearance of the evidence. According to the prosecution, the applicant and other co-accused had transported the dead body from place of incident and then it was thrown at secluded place.

6. The role attributed to co-accused Akhil Balaji Shinde and the present applicant appears to be identical. I am therefore inclined to grant anticipatory bail to the present applicant. In the result, the following order is passed :

(i) Application is allowed.

(ii) In the event of arrest of the applicant - Kishor Manik Shinde in Crime No. 662 of 2022 registered at Hinjewadi Police Station, for the offences punishable under Sections 302, 201 r/w. 34 of Indian Penal Code, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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