



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

BAIL APPLICATION NO. 3964 OF 2023

MR. SHUBHAM SHAMRAO DATIR	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Mr. Mandar Goswami, for the Applicant.
Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 15, 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, 212, 120B, 504, 506 read with 34 of the Indian Penal Code, 1860, sections 4/25 of the Arms Act and section 142 of the Maharashtra Police Act registered on 17/08/2023 vide C.R. No.516 of 2023 with Ambad police station, Nashik.
3. The applicant is the accused no.5. The applicant was arrested on 19/08/2023.
4. Learned APP opposed the application and submitted that the material against the applicant is CDR call details

which shows that the applicant was in contact with the accused prior to and after the incident as well.

5. The FIR was lodged at the instance of Arun Vairagar who is an eye-witness to the incident. It is alleged that the accused persons have assaulted the injured witness who succumbed to the injuries. So far as the applicant is concerned, he was admittedly not present at the spot nor he is the assailant. It is alleged that he called one of his acquaintance and asked him to hand over the chopper to one of the co-accused. The complicity of the present applicant is on the basis of the statement of the witness Gautam Rajendra Kothawade which is at page 239 of the paper-book. Prima facie, there is no material to indicate that the applicant was aware that the chopper was required to eliminate the deceased. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant was arrested on 19/08/2023. There is nothing on record to indicate that the applicant is a flight risk. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail by imposing conditions. Hence, the

following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Shubham Shamrao Datir in connection with C.R. No. 516 of 2023 registered with Ambad 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 Ambad police station, Nashik once in a month on first Monday of every 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.
- (f) Except for attending the trial and for the purpose of reporting to the investigating officer, the applicant shall not enter the the jurisdiction of Ambad police station after being

released on bail, till the trial concludes.

(g) The applicant shall attend every date of the trial. 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.)