



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 236 OF 2024

Sandeep Marotrao Shinde

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

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Mr. S.S. Thombre, Advocate for applicant

Mr. S.P. Sonpawale, APP for State

Mr. Sachin Deshmukh, Advocate for informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 03rd APRIL, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 61/2023, registered with Manatha Police Station, District- Nanded, for offences punishable under sections 302, 120-B, 201, 324 of the Indian Penal Code.

2. FIR is lodged by Vishal Shinde alleging that since last three years his parents have been regularly going for morning walk from his house to Manatha Phata about 3 km. On 02.06.2023, at about 5.00 am, as usual, his parents were on the way for morning walk and when they reached near Akhada of one Shankar Kishan Boinwad, at that time one white colour car

Bhagyawant Punde

came from Manatha *pati* and saw parents of the informant. At that time, said car went ahead about 100 meters and turned back. Said car gave severe dash to his father Uttamrao with an intention to kill him. Due to dash his father Uttamrao fell down in ditch (*nali*) beside the road about 20 to 25 feet distance. Said car also gave dash to one retired ex-headmaster of Adarsh Vidyalay namely Damodar Ade, aged about 63 years, due to which he sustained injuries. Thereafter, said car fled away from the spot. This incident was noticed by mother of informant, Kondiba Sadve, his wife Sushilabai and some other persons. Those persons informed about the incident to the informant. Informant has suspicion that due to enmity, applicant and co-accused with criminal conspiracy killed Uttamrao on 02.06.2023 by giving severe dash by car.

3. Heard learned advocate for applicant and learned APP for State assisted by learned advocate for informant. Perused the charge sheet.

4. Investigation in the present crime is complete and charge sheet is filed on 23.11.2023. In support of charge of conspiracy prosecution has heavily relied on the statement of one Pradip Chabharkar, who has stated that on 26.05.2023 he

overheard discussion between father, brother and applicant. Except this, there does not appear any material on record to connect applicant with the present crime.

5. Applicant is practicing lawyer at Nanded and incident has taken place at village Manatha, which is at a distance of 60 kilometers from Nanded. Main accused Amol, who is brother of applicant, who has allegedly killed deceased by giving dash with car is arrested and car used in the crime is seized. Co-accused Suhas is also arrested and Amol and Suhas both are in jail.

6. Considering the material on record, nothing is to be recovered from applicant. Hence, pre-trial custodial detention of applicant is not necessary.

7. In the result, application is allowed.

8. In the event of arrest of applicant- Sandeep Marotrao Shinde, in connection with C.R. No. 61/2023, registered with Manatha Police Station, District- Nanded, for offences punishable under sections 302, 120-B, 201, 324 of the Indian Penal Code, he be released on executing Personal Bond and Surety Bond of Rs. 15,000/- with one surety in the like amount.

9. Applicant shall not enter Manatha village, until

further orders.

10. Applicant shall not in any manner try to contact and/or influence prosecution witnesses and shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI, J.]