



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

912 BAIL APPLICATION NO. 516 OF 2024

RITESH VILAS GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Sudarshan J. Salunke.
APP for Respondent/State : Mr. Parikshit P. Dawalkar.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 09th May, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.), for grant of regular bail in connection with Crime No.218 of 2023, registered with Beed City Police Station, District Beed, for the offences punishable under Sections 302 and 307 of the Indian Penal Code and under Sections 3/25 and 27 of the Arms Act.

3 It is averred in the report by informant Manoj Jadhav that on 2nd October, 2023, the son of maternal uncle of the informant demanded demanded bread / *Bhakri* to the applicant. That time, the applicant assaulted on the left shoulder of Manoj. He was admitted in the Government Hospital at Beed. After 15 days, Manoj died. The

report was lodged immediately on the same day.

4 The learned counsel for applicant submitted that the applicant is falsely implicated in the crime. The applicant has roots in the society. He has no criminal antecedents. Trial will take long period. Charge-sheet is filed. The presence of applicant can be secured. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and pointed out the statements of witnesses and the seizure *Panchanama* of pistol. He further pointed out the postmortem report of Manoj and submitted that there is eye-witness to the incident. He, therefore, prayed to reject the application.

6 Perused the charge-sheet. It is not a planned murder. The incident took place on account of demand of bread / *Bhakri*. Thus, considering the fact that it was not a planned murder, the applicant has roots in the society and trial will take long period, the application deserves to be allowed on the principle that bail is rule and jail is exception on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.218 of 2023,

registered with Beed City Police Station, District Beed, for the offences punishable under Sections 302 and 307 of the Indian Penal Code and under Sections 3/25 and 27 of the Arms Act, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.
- III. If breach of any of the above conditions is noticed by the Trial Court, the Trial Court is at liberty to cancel the bail of this applicant without reference to this Court.

[SANJAY A. DESHMUKH, J.]

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