



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

913 BAIL APPLICATION NO. 538 OF 2024

PANDHARI MANKU SHINDE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Azizoddin R. Syed.
APP for Respondent/State : Mr. Satish A. Gaikwad.
...

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.291 of 2023, registered with Muktai Nagar Police Station, District Jalgaon, for the offense punishable under Section 302 of the Indian Penal Code.

3 It is averred in the report that on 10th August, 2023 at about 07:00 pm, the informant received phone call of one Hiranman Nanvar. He told that quarrel took place between this applicant and the father of informant on account of money. Hiranman intervened in that quarrel and told them go back to their house. At about 07:30 pm, the informant received phone call of his father that this applicant assaulted

him by stone on his head. Thereafter, cousin of the informant Pramod Shinde told the informant that he heard hue and cry of his father. He went there and he saw that father of the informant was lying in the agricultural land of one Bhagwat Dhanu. The informant also went there. He saw that blood was oozing from the head of his father. He took him to the hospital of Dr. Marathe. Then he was taken to Nuclear hospital, where he was treated for five days. Thereafter, the doctor told to take him to Mumbai for further treatment. When they were proceeding to Mumbai on 16th August, 2023, his father succumbed to those head injuries and thereafter, the report was lodged on 16th August, 2023.

4 The learned counsel for applicant submitted that the delay caused for lodging the report is not explained. The applicant is falsely implicated in the crime. There is no eye-witness to the incident. The applicant has roots in the society. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that phone call details show that there were phone calls between Hiranman Nanvar and the informant and also phone call was made by the deceased to his son and after the father of informant sustained injuries, he made phone call to the informant.

Therefore, there is substance in the prosecution case. The learned APP further pointed out the statements of witnesses and the postmortem report. It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the statements of witnesses. There is delay of six days for lodging the report. It is not explained. There is no eye-witness to the incident. The applicant has roots in the society, he will not flee away from the trial and the trial will take long period. Considering all these aspects, the applicant is certainly entitled to be released on bail 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.291 of 2023, registered with Muktai Nagar Police Station, District Jalgaon, for the offense punishable under Section 302 of the Indian Penal Code, 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.]

nga