



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 BAIL APPLICATION NO. 764 OF 2024

Pradip @ Dipak Suresh Gadhe

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicant : Mr. Shashikant E. Shekade
APP for Respondent/State : Mr.Satish A. Gaikwad

...

CORAM : SANJAY A. DESHMUKH, J.
DATED : 10th MAY, 2024.

PER COURT :-

1. The applicant is seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicant has been arrested in connection with crime No.0022 of 2023 registered with Police Station, Kasoda, Dist. Jalgaon, for the offences punishable under sections 302, 120-B, 34 of the Indian Penal Code and under sections 3 and 4 of the Arms Act.

2. It is averred in the report that Nilesh Desale, resident of Girad is dealing with selling of sand business. Quarrel took place between Sachin Devidas Patil and Nilesh on account of that business. That quarrel was settled on 23.02.2023. That time, Nilesh

threatened him that he will see him later on. On 19.03.2023, informant Kiran Patil came to know that somebody else has assaulted Sachin. He went to the bank of Girna river. He saw that Sachin was lying injured. He took him to Vighnaharta Hospital Pachora by ambulance. From there, he was taken to the rural hospital, Pachora. There he was declared dead. Postmortem was conducted and report was lodged against Nilesh and other accused.

3. The learned advocate for the applicant submits that there is absolutely no evidence against the applicant. He is falsely implicated in the crime. Application of main accused Nilesh is rejected by this Court. The applicant has roots in the society. He will not flee away from the trial. Trial will take long period. It is lastly prayed to allow the application.

4. The learned APP for the respondent-State strongly opposed the application and pointed out that the applicant is involved in the crime. Considering the charge-sheet, it is submitted to reject the application as it is serious crime of murder.

5. Perused the charge-sheet. Except at the instance of Prashant Dharma Veerkar, the motor vehicle which was alleged to have used for commission of offence is seized, there is no prima

facie evidence against the applicant to connect the applicant with crime. The applicant has roots in the society. He will not flee away from the trial. The trial would take long period. Considering the peculiar set of fact of these cases, the applicant is entitled for bail on the principle that the bail is rule and jail is exception, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No.0022 of 2023 registered with Police Station, Kasoda, Dist. Jalgaon, for the offences punishable under sections 302, 120-B, 34 of the Indian Penal Code and under sections 3 and 4 of the Arms Act be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
- III. If any breach of the above conditions is noticed by the trial Court, it is at liberty to cancel the bail granted to this applicant without further reference to this Court.

(SANJAY A. DESHMUKH, J.)