



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 840 OF 2024

KRISHNA @ KINNA CHAGANSINGH PARDESHI ( THAKUR)  
VERSUS  
THE STATE OF MAHARASHTRA

...  
Advocate for Applicant : Mr. Abhaysinh K. Bhosle  
APP for Respondent : Mr. S. P. Sonpawale  
...

**CORAM : S. G. MEHARE, J.**

**DATE : 26-09-2024**

**PER COURT :-**

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant seeks bail in C.R.No.176 of 2021 registered with Itwara Police Police Station, District Nanded, for the offences punishable under Sections 302, 307, 120B, 143, 147, 149, 294 of the Indian Penal Code, Sections 3/25, 4/27 of the Arms Act and Sections 3(1)(2), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999.
3. The prosecution has a case that it was a gang war. On the day of the incident, the applicant and other co-accused were chasing the deceased in a lane. The incident of chasing the deceased in the lane was captured in the CCTV. The applicant was present with the other co-accused. The actual incident of assault

was not captured in the CCTV footage. However, few witnesses came forward. Initially, they did not attribute the specific role to the applicant. However, after around four months, in their supplementary statements, they had specified the role attributed to the applicant. The applicant has been arrested on 21.07.2021 i.e. on the same day of the incident. The applicant has produced weapons used in the crime under Section 27 of the Indian Evidence Act.

4. The learned counsel for the applicant submits that the eyewitnesses are planted. Their first statements were recorded belatedly. In their statements, they did not specify the role of the applicant. However, afterthought the roles of each accused were specified to create the evidence. The CCTV is the reliable evidence. The footage yet not supplied to the applicant, but produced in the Court, it shows barely the applicant and the other co-accused were chasing the deceased. There were two stab injuries. However, police have recovered three weapons, that raises serious doubt about the role attributed to the applicant. There are no antecedents to his discredit. The police have incorrectly applied the MCOC Act. It was a gang war. Therefore, said Act does not apply. He prayed that chargesheet has been filed. It is a bulky chargesheet including the large number of witnesses. The trial will take its time. Hence, he may be granted bail.

5. The learned A.P.P. has strongly opposed the application. He submits that the evidence on record establishes the intention of the applicant to kill him. He was seen chasing the deceased with the other co-accused. Otherwise, he had no reason to chase the deceased. Immediately after chasing him, deceased was brutally murdered by fire arm as well as deadly weapons. The presence of the applicant on the spot of the incident establishes his nexus with the crime. Two gangs are creating terror in the vicinity to show their position high and keep the common man under threats. The offence is serious. Hence, he may not be granted bail.

6. As discussed above, it appears that the eyewitnesses come forward belatedly. They did not specify the role of the the applicant. However, four months later they specified the role of the applicant that he assaulted the deceased with deadly weapons. It is a gang war between two groups. The chargesheet has been filed. Considering the material against the applicant, and having no antecedents to his discredit, he deserves bail. However, to guard the interest of the public at large, stringent conditions would be imposed. Hence, the order:-

ORDER

- i) The bail application is allowed.
- ii) Applicant – Krishna @ Kinna Chagansingh Pardeshi (Thakur)  
be released on bail, on furnishing PB and SB of Rs.50,000/-,

with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,

- (a) He should not tamper with the prosecution witnesses.
- (b) He should not enter District Nanded for one year from the date of his release except for attending the trial.
- (c) He should inform his residential address and cell numbers to the Police for a period mentioned above during which he would stay away from the Nanded District.
- (d) He should inform the concerned Police Station on phone about his whereabouts on every Monday, between 11.00 a.m. and 2.00 p.m. till the trial is concluded.
- (e) He should not involve in the identical crimes.
- (f) He should attend the trial on each and every date.

**( S. G. MEHARE )**  
**JUDGE**