



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

BAIL APPLICATION NO. 993 OF 2024

GURUPRITSINGH @ GUPPI JOGINDAR SINGH KULFIWALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant/Accused : Mr. Manpreet Ajeet Singh Granthi
APP for Respondent : Mr. S. B. Pulkundwar

...
WITH
BAIL APPLICATION NO. 1045 OF 2024

SAYYAD ARSLAN S/O. SAYYAD AJMAL ALI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant/ Accused : Mr. Rajendrraa Deshmukkh,
Senior Advocate (through Video Conferencing) along with Mr. Kunal
Kale, Advocate instructed by Mr. Devang Deshmukh, Advocate
APP for Respondent : Mr. S. B. Pulkundwar

...
WITH
CRIMINAL APPLICATION NO.2673 OF 2024
IN BAIL APPLICATION NO.1045 OF 2024
WITH
CRIMINAL APPLICATION NO.2661 OF 2024
IN BAIL APPLICATION NO.993 OF 2024

ABHIMANYU PURANLAL MANDALE YADAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant/complainant : Mr. N. J. Patil

...
CORAM : S. G. MEHARE, J.
DATE : 06-08-2024

PER COURT :-

1. Heard the learned senior counsel and the learned counsel for the applicants/accused, the learned A.P.P. for the respondent/State and the learned counsel for the complainant.

2. The applicants seek bail in C.R.No.0345 of 2023 registered with Itwara Police Station, District Nanded, for the offences punishable under Sections 302, 384, 386, 307, 294, 143, 146, 147 read with Section 149 of the Indian Penal Code, Sections 4/25 of the Arms Act and Section 135 of the Maharashtra Police Act.

3. Both accused claimed bail on the ground that they have been falsely implicated in the crime as conspirators. Both applicants have not present on the spot of the incident.

4. Mr. Granthi, learned counsel for the applicant - Gurupritsingh has produced the copies of the WhatsApp chat with the deceased. In addition to this ground, co-accused Sayyad Arslan seeks bail on parity.

5. The learned counsels for the respective applicants submit that there is no strong evidence against the applicants that they were the conspirators. There is no evidence against applicant- Gurupritsingh that he ask for ransom to the deceased. Applicant - Gurupritsingh and the deceased were partners in the Carom business. There was no question to ask for ransom. So far as antecedents are concerned, in one of the crimes, he has been acquitted. He was never involved in the ransom or like crimes. The investigation has been completed. Nothing is to be recovered from them.

6. Learned A.P.P. has strongly opposed the applications. He

submits that the offence is serious. A day before the incident, the applicant - Gurupritsingh contacted and talked to the deceased and few witnesses were there showing about his role played. He has a bad past. He is involved in the crimes of like nature. Considering his bad past, he did not deserve bail.

7. So far as another accused - Sayyad Arslan is concerned, the learned A.P.P. has strongly opposed the application contending that he was the member of the conspiracy. Considering gravity of the offence and unrest in the town, they may not be granted bail.

8. Perused the chargesheet.

9. As far as applicant - Sayyad Arslan is concerned, the prosecution could not satisfy the Court that there is a material to believe that he was the conspirator. There are no antecedents to his discredit. He is a college going young boy. He was not captured in the C.C.T.V. footage. Applicant - Gurupritsingh has also not been captured in the C.C.T.V.

10. It is not case of the prosecution that both applicants were present on the spot of the incident. Applicant - Gurupritsingh has a case that he was acquainted to the deceased since prior to the incident. Just he called a day before the incident, therefore, he has been arraigned as an accused. The papers reveal that applicant - Gurupritsingh was in regular contact with the deceased. If the case of the applicant that he and deceased were partners in the

business is considered then the question of demanding ransom, would be a matter of evidence. The bad history of the accused is not a ground to refuse bail. The Court has to consider the role attributed to the applicant/s in the crime in which the bail is sought. The Court has considered the material against the applicants. Considering the material placed on record and the submissions of the learned A.P.P., this Court is of the view that the investigation has been completed. The prosecution has to prove the conspiracy on merits. Trial may take its time. The applicants deserve bail on certain conditions. Hence, the order :-

ORDER

- i) Bail Applications are allowed.
- ii) Applicants - Gurupritsingh @ Guppi Jogindar Singh Kulfiwale and Sayyad Arslan s/o. Sayyad Ajmal Ali be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount each, in the above crime for the aforesaid offences, on the conditions that,
 - (a) They should not involve in the similar crime.
 - (b) They should not tamper with the prosecution witnesses and threat any of the witnesses
 - (c) They should attend the trial on each and every effective date.
- iii) Criminal Applications No.2663 of 2024 in BA/1045/2024 and 2661 of 2024 in BA/993/2024 stand disposed of.

(S. G. MEHARE)
JUDGE