



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

BAIL APPLICATION NO. 1163 OF 2024

LOKESH @ VICKY SHAMRAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Abhaysinh K. Bhosle
APP for Respondent : Mr. G. O. Wattamwar

...
WITH CRIMINAL APPLICATION NO.3922 OF 2024
NANA S/O. NARAYANRAO SHEWARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Informant/Assist to APP : Mr. Kedar A. Jahagirdar
...

CORAM : S. G. MEHARE, J.
DATE : 12-09-2024

PER COURT :-

1. Heard learned counsel for the applicant, learned A.P.P. for the State and learned counsel for informant/assist to A.P.P.
2. The applicant seeks bail in C.R.No.I-42 of 2022 registered with Pachora Police Station, District Jalgaon, for the offences punishable under Sections 302, 163, 120B read with Section 34 of the Indian Penal Code.
3. It has been alleged against the applicant that he gave cut of the vehicle. Thereafter, one of the friends, namely Harshal Patil called the applicant on the spot of the incident. That time, before he came there, some boys were gathered there. A knife was handed over to the applicant. He stabbed on the vital part of the body of the injured. He died of those injuries.

4. The learned counsel for the applicant pointed that the applicant went there armless. Harshal had arranged the weapons. The deceased came in between when Harshal was to be attacked and he sustained the injuries. The applicant is 19 years old at the time of the incident. The entire papers show that there was no intention to commit murder. It was a free fight between them. Prosecution cannot ensure the speedy trial. He is languishing in jail for one the last one year. Hence, he may be granted bail.

5. The learned A.P.P. has strongly opposed the application. He submits that the injuries caused to the deceased were corresponding to the allegations. The nature of the injuries is not sufficient to draw the inference of intention. There were injuries more than one. Hence, it cannot be said that intention is missing. He submits that the offence is serious. It was a predetermined act. Hence, the applicant may not be granted bail.

6. The learned counsel for the victim submits that one more crime under Section 377 of the Indian Penal Code has been registered against the applicant when he was in prison. The post incident conduct shows that he was harmful to the society. He would tamer with the prosecution witnesses. The injuries itself show the evidence of the intention of the applicant. Considering the crime registered against him subsequently, it is evident that he is aggressive or he may cause danger to the other persons and witnesses. He prayed to dismiss the application.

7. The applicant has been arrested on 31.01.2022. Since then, he is languishing in jail. The charge is yet not framed. The prosecution is unable to ensure the speedy trial. Even muddemal property has not been received from the Chemical Analyzer.

8. In view of the case ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, Criminal Appeal No.2787 of 2024 (Arising out of SLP (Cri) No.3809 of 2004), dated July 3, 2024, the applicant cannot be kept behind bar for further period. He deserves bail. Hence, the order:-

ORDER

- i) The application is allowed.
- ii) Applicant – Lokesh @ Vicky Shamrao Shinde 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 would not enter the village where the victim is residing till the conclusion of the trial.
 - (c) He should attend the trial on each and every date.
- iii) Criminal Application assist to A.P.P. stands disposed of.

(S. G. MEHARE, J.)