



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1007 BAIL APPLICATION NO. 2180 OF 2024

KAILASH JAGDISH BIGHANIYA

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Abhaysinh K. Bhosle

APP for Respondents: Mr. A. A. A. Khan

Advocate for Assist to PP : Mr. Y. K. Bobade

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WITH

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CRIMINAL APPLICATION NO.4947 OF 2024

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CORAM : ARUN R. PEDNEKER, J.

DATE : 12th DECEMBER, 2024

PER COURT:

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] Criminal Application No.4947 of 2024 is partly allowed to the extent of assist to Public Prosecutor.

3] The applicant is seeking bail as he was arrested in connection with Crime No.176 of 2021, registered with Itwara Police Station, District Nanded, for the offences punishable under Sections 302, 307, 120(B), 143, 147, 149, 294 of the IPC & Sections 3/25, 4/27 of the Arms Act and under Sections 3(1)(2), 3(2), 3(4) of MCOC Act, 1999.

4] The learned counsel for the applicant submits that he relies upon the order passed by this court dated 26.09.2024, passed in Bail Application No.840 of 2024 and order dated 23.10.2024, passed in Bail Application No.1882 of 2024, more particularly, relies upon para no.6 of the order dated 26.09.2024, relevant portion is noted below:

“As discussed above, it appears that the eyewitnesses come forward belatedly. They did not specify the role of 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....”

5] The learned counsel submits that the alleged role of the present applicant only relates to the conspiracy. He submits that all the co-accused were also conspirators and had also participated in the offence and has been granted bail by this court. As such, the present applicant, who is alleged to be involved in the conspiracy but has not participated in the incident should be released on bail.

6] Considering the above submission, the applicant deserves to be granted bail.

7] In view of the above, the application is allowed in the following terms :

- a] The applicant shall be released on bail in connection with Crime No.176 of 2021, registered with Itwara Police Station, District Nanded, for the offences punishable under Sections 302, 307, 120(B), 143, 147, 149, 294 of the IPC & Sections 3/25, 4/27 of the Arms Act and under Sections 3(1)(2), 3(2), 3(4) of MCOC Act, 1999, on furnishing PR bond of Rs.50,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- b] The applicant shall not enter the jurisdiction of Nanded District for one year from the date of his release except for attending trial.
- c] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.
- d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.
- e] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.
- f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

8] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

9] It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10] The application stands disposed of.

[ARUN R. PEDNEKER, J.]

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