



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

CRIMINAL APPEAL NO. 1042 OF 2023

KISHOR SHIVDAS PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. R.S. Deshmukh, Sr. Advocate a/w Ms. Y. A. Namde, Advocate i/b
Mr. Devang R. Deshmukh, Advocate for Appellant
Mr. N.B. Patil, APP for Respondent Nos.1 to 3 – State
Mr. Sudarshan J. Salunke, Advocate for Respondent No.4
...

CORAM : NITIN B. SURYAWANSHI, J.
DATE : 06th FEBRUARY, 2024

PER COURT :

1. This appeal filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, challenges order dated 15/09/2023, passed by learned Additional Sessions Judge-2, Ambad, below Exhibit-7 in Special Case No.44/2023, thereby rejecting application filed by appellant under Section 439 of Cr.P.C.

2. FIR is lodged by Mandakini w/o Ginyadeo Bhosale alleging that appellant is her brother-in-law. Her sister Nanda is married with appellant. There were matrimonial disputes between Nanda and appellant, due to which she stopped cohabiting with appellant and eloped with one boy from Pachod and started living with him. Since then, appellant used to threaten her father Pandit Kale that Nanda should be sent for cohabitation, otherwise he will have to face dire consequences. Her father refused to send Nanda

for cohabitation as appellant was not treating her well. On 29/03/2023 at about 08:30 a.m. appellant along with Nitin Jadhav and one unknown person came to the maternal house of informant and they all started abusing her father Pandit Kale. When her father refused to send Nanda for cohabitation, Nitin Jadhav and unknown person assaulted him with fists and kick blows. Appellant took out a pistol and fired shots on the neck and back of her father. Informant and her husband who came on the spot, saw the incident. All three accused persons fled from the spot on motorcycle. Pursuant to the registration of crime, appellant is arrested on 12/04/2023. On completion of investigation charge-sheet is filed on 10/07/2023. Bail application of appellant filed in the trial Court is rejected. Hence, the present appeal.

3. Heard learned Senior Advocate for appellant, learned Additional Public Prosecutor for State and learned Advocate for respondent No.4. Perused the charge-sheet.

4. There is sufficient material on record to show the involvement of appellant in serious offence of murder. Appellant has criminal antecedents, as nine offences under Sections 392, 395, 307, 457, 324 of the Indian Penal Code and Sections 3 and 25 of the Arms Act, are registered against appellant in Jalna, Ambad, Pachod and Shevgaon Police Stations.

5. Trial Court after considering material collected during

the course of investigation has observed that there is *prima facie* material against appellant to show that he is involved in killing his father-in-law and there is possibility of appellant fleeing away from justice and he will tamper the evidence after his release.

6. Indeed, considering the gravity of offence and complicity of appellant in present crime and considering the antecedents of appellant, appellant does not deserve discretionary relief of bail. Trial Court has passed well reasoned order which is not liable to be interfered with. Appeal being devoid of merit, is dismissed.

(NITIN B. SURYAWANSHI, J.)