



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

38 BAIL APPLICATION NO. 2375 OF 2023

SAGAR S/O PRAVIN GUDA
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Nilesh S. Ghanekar.
APP for Respondent/State : Mrs. Pratibha J. Bharad.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 22nd January, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.894 of 2023, registered with Tophkhana Police Station, District Ahmednagar, for the offences punishable under Sections 302, 307, 504 and 120-B read with 34 of the Indian Penal Code, under Section 4/25 of the Arms Act and under Sections 37(1) (3) and 135 of the Maharashtra Police Act.

3 The report lodged by Onkar Ramesh Gholap, injured, reveals that the brother of this applicant, Sandip alongwith his friend, assaulted the informant, Shubham Padole, Aditya Kharmale on account of earlier quarrel by sword and other weapons. The brother of

applicant alongwith Ganesh were main assailants, who murdered Onkar Pandurang Bhagangare and also Shubham Padole. The report was lodged on the same night.

4 The learned counsel for applicant pointed out that Sandip, brother of this applicant, has participated in the crime. He pointed out the conversation between Sandip and this applicant, in which Sandip is intimating to the applicant that he had committed said crime and therefore, he is fleeing away. The learned counsel for applicant pointed out the statements of witnesses, in which the name of this applicant is nowhere mentioned. It is submitted that only because the applicant is brother of Sandip, he is falsely implicated in the crime. The learned counsel for applicant further pointed out that the applicant was prosecuted for the offences punishable under Sections 323, 324, 504 and 506 of the Indian Penal Code in Crime No.237 of 2014, registered with Tophkhana Police Station, District Ahmednagar and he was acquitted in that case on 22nd May, 2017. Except that, the applicant has no criminal antecedents. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and pointed out the statements of witnesses and submitted that considering the serious nature of crime, the applicant has not

intimated the fact that his brother was involved in serious crime of murder, it is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, report and the statements of witnesses. Nothing is seized from this applicant, except the intercepted telephonic conversation recorded during the investigation of crime in which the brother of this applicant Sandip informing this applicant that he had assaulted Onkar Gholap and later on informed that he succumbed to the injuries. Considering all these facts and circumstances of the case, keeping the applicant behind the bars is not justifiable. Custodial interrogation of the applicant is not necessary. The applicant has roots in the society. He will not flee away from trial. The trial will take long period. Considering all these aspects, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.894 of 2023, registered with Tophkhana Police Station, District Ahmednagar, for the offences punishable under Sections 302, 307, 504 and 120-B read with 34 of the Indian Penal Code, under Section 4/25 of the Arms Act and under Sections 37(1) (3) and 135 of the Maharashtra Police Act, be released on bail on furnishing

personal bond of Rs.50,000/- with surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses.
- b) The applicant shall not tamper with the prosecution evidence, in any manner.
- c) The applicant shall not enter into Ahmednagar city for one year.

[SANJAY A. DESHMUKH, J.]

nga