



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.412 OF 2024

Dagu @ Nivrutti Yadav Pardhi ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Chetan Deshmukh a/w. Mr. Ankur Pahade, Advocates, for the Applicant.
Mr. P. P. Deokar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 2nd APRIL 2024

PC:-

1. Heard Mr. Deshmukh, learned Counsel for the Applicant and Mr. Deokar, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	399 of 2023
2.	Date of registration of F.I.R.	09/08/2023
3.	Name of Police Station	Dindori, District-Nashik
4.	Section/s invoked	302, 120-B, 504 r/w. 34 of the IPC, 1860
5.	Date of incident	09/08/2023
6.	Date of arrest	10/08/2023

7.	Date of filing of Charge-sheet	07/11/2023
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3. As per the prosecution case as reflected in F.I.R.(page 94), about 21 persons assaulted the deceased and the deceased succumbed to the resultant injuries. However, after investigation the Charge-sheet is filed only against four Accused namely Accused No.1-Samadhan Prabhakar Tongare, Accused No.2-Dagu alias Nivrutti Yadav Pardhi, Accused No.3-Deepak Dnyaneshwar Tongare and Accused No.4-Vinod Chandrakant Pardhi. The supplementary statement of the Informant (page 179) recorded on 19th August 2023 mentions that Accused No.1-Samadhan assaulted the deceased on head with an iron rod and at that time, Accused No.2-Dagu, Accused No.3-Deepak and Accused No.4-Vinod were standing there. The statement of eye-witness-Nivrutti Keru Boke (page 181) shows that Accused No.1-Samadhan was running behind the deceased and while running the deceased had fallen and at that time, said Accused No.1-Samadhan assaulted the deceased with a koyta.

4. It is the contention of Mr. Deshmukh, learned Counsel for the Applicant that the Applicant is a young man aged 25 years.

There is no role attributed to the Applicant in the offence in question. The only role attributed to the present Applicant is that he was present at the time of the incident. He further submitted that initially the F.I.R. was lodged against 21 persons. However, after investigation only four persons have been made Accused. On the basis of the supplementary statement of the Informant who is the wife of the deceased, he submitted that no role whatsoever has been attributed to the present Applicant, except that he was present at the time of the incident. The statement of witness-Nivrutti Boke doesn't even mention about the presence of the Applicant and specifically records that the assault was committed by Accused No.1-Samadhan. He submitted that the Charge-sheet is filed and therefore investigation is complete. There are no criminal antecedents against the Applicant. He therefore submitted that the Bail Application be allowed.

5. On the other hand, Mr. Deokar, learned APP for the Respondent-State strongly opposed the Bail Application. He submitted that the Applicant was present at the time of the incident and therefore he has participated in the commission of the offence in question. He therefore submitted that the Bail

Application be rejected. On instructions, he submitted that there are no criminal antecedents against the Applicant.

6. Perusal of the record shows that in the present case, the incident in question occurred on 9th August 2023, F.I.R. was lodged on 9th August 2023, the Applicant was arrested on 10th August 2023 and, Charge-sheet was filed on 7th November 2023. There is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, there are 53 witnesses proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. There are no criminal antecedents against the present Applicant.

8. Mr. Deshmukh, learned Counsel for the Applicant states that as several witnesses are from Dindori Taluka, District- Nashik, the Applicant will therefore not reside within Taluka - Dindori, District - Nashik and that the Applicant will reside at C/o. Sampat Namdeo Kadali, Borgad, Mhasrul, Panchavati, Nashik.

9. The Applicant does not appear to be at risk of flight.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
11. In view thereof, the following order:-

ORDER

- (a) The Applicant – Dagu alias Nivrutti Yadav Pardhi be released on bail in connection with C.R. No.399 of 2023 registered with the Dindori Police Station, Taluka - Dindori, District - Nashik on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.
- (b) The Applicant shall not enter the Dindori Taluka after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.
- (c) On being released on bail, the Applicant shall furnish

his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

- (d) The Applicant shall report to the Mhasrul Police Station, District - Nashik once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Mhasrul Police Station, District – Nashik to communicate details thereof to the Investigating Officer.
- (e) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, and uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]