



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.749 OF 2024

Hiraman @ Keshav Pralhad Shinde

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aniket Vagal a/w. Mr. Kunal N. Pednekar and Mr. Divesh Mehani, Advocates for the Applicant.

Mr. Sameer M. Mangaonkar, APP for the Respondent-State.

Mr. Mithun Pardeshi, A. S. I. Attached to Panchavati Police Station, Nashik present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 26th FEBRUARY 2024

PC:-

1. Heard Mr. Vagal, learned Counsel appearing for the Applicant and Mr. Mangaonkar, learned APP appearing 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.	271 of 2023
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2.	Date of Registration of F.I.R.	07/06/2023
3.	Name of Police Station	Panchavati Police Station, Nashik
4.	Section/s invoked	302, 325, 324, 504 r/w. 34 of the I.P.C.,1860
5.	Date of Incident	06/06/2023
6.	Date of Arrest	11/06/2023
7.	Date of filing of Charge-sheet	03/09/2023

3. As per the prosecution case, the informant along with his friend i.e. the deceased, arrived at Sita Gumpha, Panchavati, Nashik on 6th June 2023 at 12.30 p.m.. At that time, a sudden quarrel broke out amongst the Applicant, the deceased and the informant, because the Applicant was under the impression that the deceased had deliberately pushed him.

4. The quarrel started on a busy road and as the accused threatened the deceased and the informant, they fled into a adjacent lane where the Applicant along with the co-accused assaulted the deceased with an iron rod and a wooden stick.

5. It is the contention of Mr. Vagal, learned Counsel appearing for the Applicant that the Applicant is in custody for more than

seven months. He submitted that the incident in question occurred in a spur of the moment and due to a sudden quarrel. He further submitted that the co-Accused-Aniket *alias* Guddu Balasaheb Pathervat has been granted bail by this Court by order dated 5th February 2024 passed in Criminal Bail Application No.3821 of 2023.

6. On the other hand, Mr. Mangaonkar, learned APP appearing for the Respondent – State submitted that there are eye-witnesses to the incident in question. The Applicant had used a wooden stick and a hammer to assault the deceased. Therefore, bail may not be granted to the Applicant.

7. A perusal of the Charge-sheet and statements annexed to the Charge-sheet show that *prima facie* there is substance in the submission advanced by learned Counsel appearing for the Applicant that the incident in question has taken place in a spur of the moment and due to a sudden quarrel.

8. The incident in question has taken place on 6th June 2023. F.I.R. has been registered on 7th June 2023. The Applicant has been

arrested on 11th June 2023. Charge-sheet has been filed on 3rd September 2023. As per the Charge-sheet, there are about 32 witnesses to be examined by the prosecution. The trial is likely to take a considerably long time.

9. Mr. Vagal, learned Counsel appearing for the Applicant states that there are no criminal antecedents against the Applicant.

10. Mr. Vagal, learned Counsel appearing for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, the Applicant will therefore not reside in Nashik City and that the Applicant will reside at C/o. Painter Baburao Dukre, Dukre Nivas, Chavan Pura, Near Navsha Ganpati, Rangar Galli, Taluka – Sangamner, District – Nashik.

11. The Applicant does not appear to be at risk of flight.

12. By order dated 5th February 2024 passed in Criminal Bail Application No.3821 of 2023 co-Accused-Aniket *alias* Guddu Balasaheb Pathervat has been released on bail by this Court.

13. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

14. In view thereof, the following order:-

ORDER

- (a) The Applicant - Hiranman *alias* Keshav Pralhad Shinde be released on bail in connection with C.R. No.271 of 2023 registered with the Panchavati Police Station, District – Nashik on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (b) The Applicant shall not enter Nashik City 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 Sangamner Police Station, District – Nashik once in a week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Sangamner 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 evidence and shall not contact or influence the Complainant or any witnesses 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.

15. The Bail Application is disposed of accordingly.

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

[MADHAV J. JAMDAR, J.]