



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1195 OF 2024

GOVIND KASHINATH PARDHI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr.Aniket Vagal a/w Ms.Savvy Kolhekar, Mr.Divesh Mehani,
Mr.Kunal N. Pednekar, for applicant.
Mr. S. H. Yadav, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : APRIL 25, 2024

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under sections 302, 324 read with 34 of the Indian Penal Code, 1860 registered on 14/05/2022 vide C.R. No. 57 of 2022 with Harsul police station, Nashik.
- 3.** There are in all 4 accused. The applicant is the accused no. 3. The date of the incident is 13/05/2022. The applicant was arrested on 19/05/2022.
- 4.** The co-accused – Mahesh Pundalik Raut who is the son of the co-accused Pundlik Narayan Raut was granted bail by this Court by order dated 18/07/2023 in Bail Application No.

1073 of 2023. The role of the present applicant is similar to that of the co-accused Mahesh Pundlik Raut -applicant no.2 in Bail Application No. 1073 of 2023. There are no criminal antecedents reported against the applicant. The relevant portion of the order dated 18/07/2023 is reproduced hereinbelow which covers the case of the present applicant.

“5. The prosecution case in short is as under:

The deceased lodged a complaint on 13th May 2022, at about 06:00 p.m. alleging that when he went for Haldi Program at the house of Eknath Navsu Borse, while entering at Bondar-mal village applicant No.1 and other two to three persons demanded amount of Rs.10,000/- from him. On refusal to pay the amount, he was assaulted with wooden stick on his head, hand, back and leg. The applicant No.1 brought him to rural hospital and admitted. Remaining two to three persons ran away from the spot. The informant succumbed to injuries on 15th May 2022.

6. The applicants were arrested on 15th May 2022.

7. On perusal of the charge sheet, it appears that the informant (deceased) named applicant No.1 in the report. Prima facie, it appears that the informant (deceased) was knowing the applicant No.1 and his family. The informant has not named applicant No.2 in his report which was filed immediately after the incident. Memorandum under section 27 shows recovery of one wooden stick. The cause of death mentioned in the postmortem report appears to be head injury with Polytrauma. Though the statement of Kaushalya attributes role to all four accused, the informant has not named Kaushalya in the report. Ultimately, exact role of applicant No.2 needs to be ascertained during trial after granting prosecution opportunity to lead evidence and the accused is granted opportunity to cross examine. Applicant No.2 has no criminal antecedents to his discredit. Applicant No.2 is in jail for more than one year. Therefore, applicant No.2 has made out a case for relief under section 439 of the Criminal Procedure Code, 1973.”

5. Learned APP opposed the application for bail. However, considering that the applicant was not named in the FIR and in view of the observation made in the aforesaid order dated 18/07/2023, the present applicant can be enlarged on bail. Hence, the following order :-

ORDER

(a) The applicant Govind Kashinath Pardhi be released on bail in connection with C.R. No.57 of 2022 registered with Harsul police station on furnishing PR Bond in the sum of Rs.25,000/-, along with one or two sureties in the like amount.

(b) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(c) The applicant No.2 shall mark his presence before the concerned police station on first Saturday of each month between 11:00 am. and 02:00 p.m.

(d) The applicant shall remain present before the trial Court on every date unless exempted specifically by the trial Court.

6. The application is disposed of.

(M. S. KARNIK, J.)