

BHALCHANDRA
GOPAL DUSANE

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

CRIMINAL BAIL APPLICATION NO. 2102 OF 2023

Ashok Shankar Shinde

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Yogesh Patil, Advocate/s, for the Applicant.
Ms. S.S. Kaushik, APP, for Respondent- State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 15th March 2024

P. C.

1. Heard Mr. Patil, learned Counsel for the Applicant and Ms. Kaushik, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973* by the Applicant who is Accused No.1. The relevant details are as follows:-

1.	C.R. No.	116 of 2023
2.	Date of registration of F.I.R.	28th March 2023
3.	Name of Police Station	Wadgaon Nimbalkar, Pune Rural
4.	Section/s invoked	307, 324, 143, 147, 148, 149, 323, 504 and 506 of <i>I.P.C., 1860</i> ;
5.	Date of incident	26th March 2023
6.	Date of arrest	18th April 2023
7.	Date of filing Charge-sheet	14th June 2023

3. The prosecution case is that the Applicant-Ashok Shankar Shinde and the Injured-Anna Shankar Shinde are siblings. As per the prosecution case, the injured was driving his tractor on the land outside the residence of the Applicant. At that time, the Applicant told the injured that the said place exclusively belongs to him and the injured told the Applicant that the said land is their ancestral land and therefore the incident took place. There are total 6 Accused. Accused Nos.2 and 3 are the sons of Accused No.1 and the Injured persons are relatives of the Accused and the other Accused persons are the respective wives of the Accused Nos.1, 2, and 3.

4. Mr. Patil, learned Counsel for the Applicant submitted that there are cross complaints filed by the Applicant as well as the informant. The alleged dispute is over use of a pathway on the ancestral land of the Accused brothers. Investigation is complete and the Applicant is in custody since April 2023. He submitted that all male members of the family are incarcerated. He submitted that the incident in question took place on the spur of the moment. He submitted that there are no criminal antecedents.

5. On the other hand, Ms. Kaushik, learned A.P.P. vehemently opposed the Bail Application and submitted that there are eye-witnesses to the incident. There are injuries which are grievous in nature and therefore, Bail Application be rejected.

6. Perusal of record shows that the incident in question took place on 26th March 2022, F.I.R. was lodged on 28th March 2023 and the Applicant was arrested on 18th April 2023. There are total 6 Accused and three have already been granted bail.
7. *Prima facie*, there is substance in the contention of Mr. Patil, learned Counsel for the Applicant that the incident took place on the spur of the moment. There are cross complaints.
8. The Applicant does not appear to be at risk of flight.
9. The Applicant does not have any criminal antecedents.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
11. In view thereof, the following order:-

ORDER

- (a) The Applicant - Ashok Shankar Shinde be released on bail in connection with C. R. No.116 of 2023 registered with the Wadgaon Nimbalkar Police Station, Pune (Rural), District-Pune on his furnishing P. R. Bond of Rs.20,000/- with one or two local solvent sureties in the like amount.
- (b) 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.

(c) The Applicant shall report to the Wadgaon Nimbalkar Police Station, Pune Rural, District - Pune on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(d) 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.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any prosecution witness in any manner.

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

(g) 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, uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]