



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2668 OF 2023**

Ganesh Janu Shingade
Pradeep Kondu Kokare ... Applicants
versus
The State of Maharashtra ... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2082 OF 2023**

Santosh Govind Shingade ... Applicant
versus
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO.3397 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.2082 OF 2023**

Chandrakant Janardan Shingade ... Intervener
and
Santosh Govind Shingade ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Kuldeep Patil for Applicant in ABA 2668 of 2023.

Mr. Prasad Borkar with Mr. Shaunak Sawant, Mr. Manuj Borkar, for Applicant in ABA 2082 of 2023.

Mr. R.M.Pethe, APP for State.

Mr. Dheeraj Panchange, for complainant in IA 3397 of 2023.

CORAM: N.J.JAMADAR, J.

DATE : 22 APRIL 2024

P.C.

1. Heard the learned Counsel for the parties.
2. These applications are preferred for pre-arrest bail in connection with C.R.No.194 of 2023 registered with Neral Police Station for the offences punishable

under Sections 120-B, 307, 143, 147, 148, 149, 506 of the Indian Penal Code and Sections 37(1), 37(3) and 135 of the Maharashtra Police Act, 1951.

3. By orders dated 28 July 2023 and 21 September 2023, interim bail was granted to the applicants in ABA Nos.2082 of 2023 and 2668 of 2023 respectively.

4. Learned Counsel for the Applicants, on instructions, submit that in the intervening period, post completion of investigation, chargesheet has been lodged.

5. Learned APP concurs with the submission on behalf of the applicants.

6. This Court was persuaded to grant interim bail to the applicants as they were sought to be roped in as the conspirators in the offence of attempt to commit murder, and rioting and other offences in prosecution of the common object of unlawful assembly. The first informant was allegedly assaulted on 2 July 2023 by deadly weapons by 10-12 unknown assailants. One of the assailants had allegedly threatened to kill the first informant for having made complaint against Santosh Shingade, the applicant in ABA 2082 of 2023. The Court had noted that the FIR did not contain the particulars like date, time and place of conspiracy. Prima facie, it appears that the relations between the first informant and applicants were strained. First informant was allegedly assaulted by 10 to 11 unknown persons. Enmity is a double edged tool. It furnishes motive for crime and can also be a cause for false implication. Evidently, the applicants were not present at the time of alleged occurrence. Whether the applicants were confederates in the alleged conspiracy,

would be a matter for trial.

7. In view of the above and the fact that, post completion of investigation, chargesheet has been lodged, at this length of time, further custodial interrogation of the applicants does not seem warranted. I am, therefore, persuaded to make the orders of interim bail absolute.

8. Hence, the following order :

ORDER

(i) The Applications stand allowed.

(ii) The orders dated 28 July 2023 and 21 September 2023 granting interim bail to the applicants are made absolute on the terms and conditions incorporated therein.

(iii) The applicants shall regularly attend the proceedings before the jurisdictional Court.

(iv) The applications stand disposed.

(v) Interim Application also stands disposed.

(v) It is, however, clarified that the observations are confined to the consideration of entitlement for pre-arrest bail and the trial Court shall not be influenced by any of the observations in further proceedings.

