

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1874 OF 2024

Pandit Sahebrao Shelke ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr Aniket Vagal a/w Savvy Kolhekar & Kunal N. Pednekar, Advocates
for Applicant.

Shri Pandurang H. Gaikwad-Patil, APP for the State.
HC Vijay Lokhande B.No. 1912, P.S. Vani.

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CORAM : ANIL S. KILOR, J.

DATED : OCTOBER 15, 2024.

PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.467 of 2023, registered with Vani Police Station, District: Nashik Rural for the offences punishable under Sections 364, 302, 120B, 201 read with Section 34 of the Indian Penal Code, 4/25 of the Indian Arms Act, under Section 37(1)(3) read with Section 135 of the Maharashtra Police Act.
3. This Court released the co-accused Ashok Kadu Navale vide order dated 27/09/2024 passed in Criminal Bail Application No.

2189 of 2024. The role of the applicant and the co-accused, who has been released on bail is similar. However, the learned APP has strongly opposed the application by harping upon the statement of one Ganesh Nandu Gangode, who appears to be the eyewitness. However, after going through his statement, it is evident that the alleged incident took place in the midnight and the spot of incident is on a bridge on Dhanwad Road outside village Titway. It is further evident that the said witness was at some distance from the spot. There is no explanation provided by the said witness that why he did not report the matter immediately to the police and was silent for five days. Furthermore, there is no mention about the sufficient light available on the spot in the night to see the faces of all the accused persons and also weapons allegedly used by them in the said offence. Thus, considering the above referred factors, CDR would not help the prosecution to oppose the present application as the deceased and the accused are the resident of the same village.

4. In the circumstances, I am of the opinion that in the present matter the applicant is entitled for grant of bail on the ground of parity.
5. Accordingly, I pass the following order:
 - i) The Criminal Application is allowed.

- ii) It is directed that the applicant shall be released on bail in connection with Crime No.467 of 2023, registered with Vani Police Station, District: Nashik Rural for the offences punishable under Sections 364, 302, 120B, 201 read with Section 34 of the Indian Penal Code, 4/25 of the Indian Arms Act, under Section 37(1)(3) read with Section 135 of the Maharashtra Police Act, on furnishing P.R.Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall attend the concerned Police Station on first and sixteenth day of every month between 10:00 a.m. and 11:00 a.m., till conclusion of the trial.
- iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- v) Liberty is granted to the State to apply for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.
- vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)