

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

CRIMINAL BAIL APPLICATION NO. 2171 OF 2024

Ramdas Chandu Shinde @ Ram

...Applicants

Vs.

The State of Maharashtra

...Respondent

Mr. Aniket Vagal with Kunal N. Pednekar, Ms. Savvy Kolhekar, for the applicant.

Mr. P. P. Deokar, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 13th AUGUST, 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. 18 of 2022 registered with Upanagar Police Station, Dist.-Nashik, for the offences punishable under Sections 302, 326 and 323 read with Section 34 of the Indian Penal Code, 1860 and Sections 129/194(D), 128(1)/194(C), 3(1)/181 of the Maharashtra Motor Vehicle Rules, 1989 and Section 50/177 of the Central Motor Vehicle Act, 1989.

3) The allegations against the accused, including the applicant, are that they assaulted the deceased by fist and blow, and subsequently the

same they gave a blow by floor tile on the head and face of the deceased.

4) There is no specific role attributed to the applicant particularly as regards the injuries which are the cause of death of the deceased. The applicant is in jail from last more than two and half years and in the meantime, the charge-sheet has been filed after the completion of the investigation.

5) There are no eye-witnesses to the incident. However, the mother has stated in her statement that while taking the deceased to the hospital, he narrated the incident to the mother of the deceased. However, in the same there is no role attributed to the applicant except in the common allegation that all the accused assaulted the deceased. As far as the motive is concerned, there is nothing against the applicant.

6) There are two antecedents against the applicant. However, those are not relating to bodily offences or of similar nature. Thus, considering the nature of allegations against the applicant and the nature of evidence collected by the Investigating Officer, I am of the opinion that though the learned APP is strongly opposing the present application, the applicant is entitled for grant of bail. Moreover, it is unlikely that the trial would be concluded in near future. In the circumstances, I pass the following order.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No. 18 of 2022 registered with Upanagar Police Station, Dist.-Nashik, for the offences punishable under

Sections 302, 326 and 323 read with Section 34 of the Indian Penal Code, 1860 and Sections 129/194(D), 128(1)/194(C), 3(1)/181 of the Maharashtra Motor Vehicle Rules, 1989 and Section 50/177 of the Central Motor Vehicle Act, 1989, on furnishing PR. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant shall not enter into the territorial jurisdiction of Upanagar Police Station, Nashik City, till the conclusion of the trial except on the date of trial;

iv The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st and 16th day of every month between 12.00 noon to 2.00 p.m., till the conclusion of the trial except on the date of trial;

v. 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;

vi. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;

vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

viii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]