

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

**CRIMINAL BAIL APPLICATION NO. 2410 OF 2024
WITH
INTERIM APPLICATION NO. 2418 OF 2024**

Shankar Pandurang Bendkule ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Himanshu S. Gavit, Advocate for Applicant in BA.

Mr. Akshay Bankapur, Advocate for Applicant in IA.

Mrs. S.M. Yadav, APP for State-Respondent.

Mr. S. E.Netavare, PSI, Dindori Police Station, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 21st 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.599 of 2023, registered with Dindori Police Station, Nashik for the offences punishable under Sections 307 and 341 read with Section 34 of the Indian Penal Code, 1860 and section 4/25 of Arms Act, 1959.

3) Though the learned Counsel for the applicant seeks parity as the bail was granted to the co-accused Balaji and Santosh, considering the role of the applicant, I am of the opinion that parity will not apply to the applicant. Therefore, the matter was considered on merit. Admittedly, the incidence is dated 24th November, 2023, the injury certificate is dated 3rd December, 2023 and the complaint was lodged on 4th November, 2023. There is no document on record to show that the injuries were of such a nature that the applicant was not in a position to even narrate the incident to police or to lodge a complaint with the police. There is no explanation given in the complaint for not lodging the report immediately, except the reason that he was hospitalized.

4) The applicant is in jail from last about nine months and the charge-sheet has been filed. Moreover, there are no antecedents against the applicant, in view of the fact that earlier offence he was acquitted.

5) In the circumstances, since there is no likelihood that the trial will be completed in near future, I am of the opinion that the applicant is entitled for grant of bail. Hence, 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.599 of 2023, registered with Dindori Police Station, Nashik for the offences punishable under Sections 307 and 341 read with Section 34 of the Indian Penal Code, 1860 and section 4/25 of Arms Act, 1959, on furnishing P.R. Bond of Rs.25,000/-

(Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant shall attend the said Police Station on 1st 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;

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 cancellation of bail if the applicant commits similar offence.;

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

vii. Application stands disposed of, accordingly.

In view of disposal of the Bail Application, the Interim Application also stands disposed of.

[ANIL S. KILOR, J.]