

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2749 OF 2024

Ravindra Shantaram Aher	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Akshay Bankapur, Advocate, for the Applicant.
 Mr. Y. M. Nakhwa, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED: 05 AUGUST 2024

PC:-

1. Heard Mr. Bankapur, learned Counsel for the Applicant and Mr. Nakhwa, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C.R. No.	516 of 2023
2.	Date of registration of F.I.R.	17/08/2023
3.	Name of Police Station	Ambad, District-Nashik
4.	Section/s invoked in FIR	302, 504, 506, 34 & 25(4) of the <i>Indian Penal Code (IPC), 1860</i> .

5.	Section/s applied in Charge-sheet	302, 212, 120B, 504, 506 & 34 of the <i>Indian Penal Code (IPC), 1860.</i>
6.	Date of incident	17/08/2023
7.	Date of arrest	18/08/2023
8.	Date of filing of Charge-sheet	03/11/2023

3. There are total 5 Accused persons. The Applicant is Accused No.3. As per the prosecution case, actual assault on the deceased due to some previous enmity was by Accused No.1-Anna Kaduskar and by Accused No.2-Mukesh Magar. At that time, the present Applicant helped both the Accused and there was conspiracy by these 3 Accused to commit the offence and assaulted the deceased-Mayur Date and he succumbed to the resultant injuries. The Accused No.4, after offence was committed by Accused Nos.1 to 3 when the deceased was killed thereafter has harboured these Accused persons.

4. It is the contention of Mr. Bankapur, learned Counsel for the Applicant that even as per the prosecution case, the Applicant has not participated in the actual assault. He submitted that the only allegation against the Applicant is that he was present at the spot

and helped the Accused Nos.1 and 2 in committing the crime. He submitted that the Applicant is incarcerated since 18th August 2023. He submitted that Accused No.5 has been granted bail by Order dated 15th December 2023 passed by a learned Single Judge in Bail Application No.3964 of 2023. He submitted that the Accused No.4 has been granted bail by Order dated 30th April 2024 passed by this Court in Criminal Bail Application No.1876 of 2024. He therefore submitted that the Applicant be granted bail. He also submitted that there are no criminal antecedents against the Applicant.

5. On the other hand, Mr. Nakhwa, learned APP for the Respondent-State strongly opposed the Bail Application. He submitted that the Applicant is involved in serious offence of Section 302 of IPC. He submitted that the Applicant was present at the spot and helped the Accused in committing the crime.. He therefore, submitted that the Bail Application be rejected. However, on instructions, he states that there are no criminal antecedents.

6. Perusal of the record shows that in the present case, the incident in question occurred on 17th August 2023, F.I.R. was lodged on 18th August 2023, the Applicant was arrested on 18th August 2023 and, Charge-sheet was filed on 3rd November 2023. There is no progress in the trial. As per the Charge-sheet, there are 39 witnesses proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. Mr. Bankapur, learned Counsel for the Applicant states that as several witnesses are from Nashik district, the Applicant will therefore not reside within District – Nashik and that the Applicant will reside at C/o. Chandrakant Suryabhan Aher, At post – Kalikanagar, Taluka–Kopargaon, District–Ahmednagar – 423 601.

8. There are no criminal antecedents against the present Applicant.

9. The Applicant does not appear to be at risk of flight.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

11. In view thereof, the following order:-

ORDER

- (a) The Applicant - Ravindra Shantaram Aher be released on bail in connection with C.R. No.516 of 2023 registered with the Ambad Police Station, District – Nashik on his furnishing P.R. Bond of Rs.50,000/- with one or two local solvent sureties in the like amount.
- (b) The Applicant shall not enter the Nashik district after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the trial.
- (c) 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.
- (d) The Applicant shall report to the Kopergaon City Police Station, District – Ahmednagar once in a week i.e. on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Kopergaon City Police Station, District – Ahmednagar to communicate details thereof to the

Investigating Officer.

- (e) 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.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) 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 Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this order.

[MADHAV J. JAMDAR, J.]