

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

CRIMINAL BAIL APPLICATION NO. 4959 OF 2024

Dnyaneshwar @ Pintu Nagu Gaikwad ...Applicant

Vs.

The State of Maharashtra ...Respondent

Ms. Savy Kolhekar i/b Mr. Aniket Vagal, Advocate for Applicant.

Mr. P. H. Gaikwad, APP for State-Respondent.

Mr. Jayant Shirsath, P.I, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 19th DECEMBER, 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.274 of 2022 registered with Ambad Police Station, Dist.- Nashik for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860.
- 3) The co-accused Babu Pyarelal Kanojiya and Rohit Nandkumar Pawar were granted bail by this Court, considering the fact that there was no motive or intention of them to kill the deceased. No doubt that against the applicant there is evidence that he assaulted the deceased by stick. However, in absence of any motive or intention and considering

the reason for such assault which was made at the instance of the wife of the deceased, I am of the opinion that the parity will apply in this case. As far as the antecedents are concerned since those are not of similar in nature it would not come in the way of the applicant to deny the bail on the ground of parity.

4) 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.274 of 2022 registered with Ambad Police Station, Dist.-Nashik for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860, 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 provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st day of every month between 10.00 am to 11.00 am, 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.

[ANIL S. KILOR, J.]