



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 23 OF 2025

Nitin @ Bunty S/o. Ramesh Panhale
Age: 36 years, Occu.: Agri. and Poultry Business,
R/o. Bhagat Singh Chowk, Shevgaon,
Tq.Shevgaon, Dist.Ahmednagar.

....Applicant
(Orig. Accused No.6)

Versus

The State of Maharashtra
Through its Investigation Officer,
Shevgaon Police Station,
Tq.Shevgaon, Dist.Ahmednagar.

.....Respondent

.....
Advocate for Applicant : Mr.Narayan B.Narwade
APP for Respondent : Mr.C.VBhadane

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 14 FEBRUARY, 2025

PRONOUNCED ON : 17 FEBRUARY, 2025

ORDER :

1. Applicant seeks grant of bail on account of arrest in crime no.0191 of 2024 registered at Shevgaon Police Station, Dist.Ahmednagar for offence under Sections 302, 307, 326, 324, 323, 143, 147, 148 and 149 of the Indian Penal Code (IPC).

2. Pointing to the date of arrest as 09-03-2024 and date of FIR as 04-03-2024, learned counsel submitted that applicant is shown as accused no.6. That, general allegations are levelled against him.

That, there are cross complaints. That, both the sides have filed FIR against each other. He pointed out to statement of Police Official, who has said to be present there and would submit that only role attributed to applicant is of using stone and giving kick and fist blows and said statement of Police Officer is apparently of 05-03-2024 i.e. on next date. That, nothing is shown to be recovered at his instance. That, applicant is behind bars since almost 11 months and chargesheet is already filed in May 2024 and for above reasons, learned counsel seeks grant of bail on any condition deem fit by this Court.

3. Learned APP opposed application on the ground that serious offence is committed. That, there is murder as well as charge of attempt to commit murder and causing grievous injuries by forming unlawful assembly with common object. He pointed out that there are not only allegations of hitting with stone or giving kicks and fists blows against applicant, but he was also heard by Police Officer issuing life threats. Moreover, according to learned APP, applicant has criminal antecedents and several crimes are registered against him. Hence, applicant does not deserve any relief.

4. Heard. Perused the FIR at the instance of one Rajesh Ganesh Rathod, who has reported Police that he resides in Navi Mumbai, but since fortnight, he had come to his village at Bajrangnagar, Post.Bansi, Tq.Pusad, Dist.Yeotmal. While he was at his native, his friend Arjun Pawar (deceased) received a telephone call from Anwar conveying that there was one work for them and to come at Shevgaon. Therefore, informant Rajesh and deceased reached Ahmednagar and were further called at Shevgaon. He reported that they were put in a shed in Pathardi by said Anwar alongwith one DK and Ganesh and they together spent night in the shed.

On 01-03-2024, Sandip Machindra Pawar showed them a photograph and further said that it was of one Pinya Kapase and there was old rivalry with him and said Pinya is to be finished.

On 02-03-2024, Sandip Machindra Pawar again came to them and asked them to hurry up as they are suppose to reach at a location where Pinya was said to be available. That time, Sandip was having two pistols and three sickles in the bag. However, on that day they could not found Pinya and therefore, they went back to the shed.

On 03-03-2024, he reported that Sandip handed over one pistol to DK and another pistol to Ganesh and handed over bag of

sickles to informant informing that Pinya is sitting in a sugarcane juice center and therefore, they all proceeded. He reported that firing was done, but bullet did not hit Pinya and therefore, while they were all fleeing away, said Pinya gave them chase in Mahindra Scorpio and their motorcycles were given dash and thereafter, 7-8 persons, who had come in Scorpio used wooden logs, stone to hit Arjun. Informant claims that he and Ganesh managed to flee and when assault was being made by Pinya and his associates, Police came there, therefore, he lodged report against Pinya and 10-12 unknown persons, who were Pinya's associates.

On above report, crime has been registered. Apparently, name of present applicant is not reflected in this FIR. However, in another crime at the instance of Pinya, there seems to be statement of Police Officer Amol Govindrao Pawar, who gave statement on 05-03-2024 that on telephonic information received about one injured person lying near Malegaon, Police party and Ambulance reached there. Injured was found to be Arjun Pawar and there was a bag having pistols and two sickles. Six persons are named by Police Officer including present applicant. Applicant is shown as accused no.6 and as submitted said Police Officer has given statement that present applicant used stone and gave kick and fist blows and thereafter, was

heard issuing life threats.

5. Though Arjun Pawar is reported to have died, as stated above, incident seems to have taken place after a shoot out. Allegations in the statement of Police Officer against present applicant are admittedly of hitting by stone and giving kick and fist blows. Learned APP did not point out any recovery or discovery yet to be made at the instance of applicant. Consequently, taking his such role into consideration, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Nitin @ Bunty S/o. Ramesh Panhale be released on bail in connection with Crime no.0191 of 2024 registered with Shevgaon Police Station, Dist.Ahmednagar on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not leave jurisdiction of Shevgaon Police Station, Dist.Ahmednagar, till conclusion of the trial.

(ABHAY S. WAGHWASE)
JUDGE