



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 409 OF 2025

Abasaheb @ Aba s/o Navnath Katkade
Age 27 years, Occupation Agriculture,
R/o. Thakur Nimgaon,
Taluka Shevgaon, District Ahmednagar.

... Applicant
[Ori. Accused No.4]

Versus

The State of Maharashtra
Through its Investigation Officer
Shevgaon Police Station,
Taluka Shevgaon, District Ahmednagar.

... Respondents

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Mr. N. B. Narwade, Advocate for the Applicant.
Mr. V. M. Chate, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 26.03.2025

Pronounced on : 02.04.2025

ORDER :

1. Applicant seeks enlargement on regular bail on account of his arrest in crime no. 0191 of 2024 registered at Shevgaon Police Station, District Ahmednagar for offences punishable under Sections 302, 307, 326, 324, 323, 143, 147, 148, 149 of IPC.

2. Learned counsel pointed out that applicant is arrested in above crime on 03.03.2024. That, present application is second bail

application. Earlier application was withdrawn. He pointed out that co-accused are already released. That, similar role is attributed to present applicant. That, applicant has no criminal antecedents. Charge sheet is already filed in May 2024 itself. Therefore, no further recovery or discovery is to be made from applicant and as such, his further custody is unwarranted. For above reasons, learned counsel seeks grant on bail.

3. Pointing out that serious offence of murder is committed, and there there is ample evidence against present applicant, learned APP submitted that charge is already framed on 25.01.2025 and as such, trial has commenced. Learned APP, on court query, pointed out that prosecution intends to examine 33 witnesses. However, according to him, during the course of trial, prosecution may drop some of the witnesses and as such, according to him, there are bright chances of trial itself coming to an end.

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 were supposed 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 bullets 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.

5. 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.

6. In the charge sheet, present applicant is shown as accused no.4. Similarly situated accused, with almost identical allegations, is beneficiary of bail vide this Court's order dated 17.02.2025 passed in

Bail Application No. 23 of 2025. Therefore, on the ground of parity, applicant succeeds. Hence, I proceed to pass the following order :

ORDER

I. The application is allowed.

II. Applicant be released on bail in connection with Crime No. 0191 of 2024 registered at Shevgaon Police Station, District Ahmednagar, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not leave the area of jurisdiction of Shevgaon Police Station, District Ahmednagar till conclusion of trial.

[ABHAY S. WAGHWASE, J.]

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