



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

BAIL APPLICATION NO. 571 OF 2025

Shantanu s/o Nandkishor Dehane
Age: 22 years, Occu.: Labour,
R/o. Balirampur, Nanded,
Tq. & Dist.Nanded.

....Applicant

Versus

The State of Maharashtra
Through Police Inspector,
Nanded Rural Police Station,
Tq. & District Nanded.

.....Respondent

.....
Advocate for Applicant : Mr. Shailendra S. Gangakhedkar
APP for Respondents: Ms.Vaishali S.Chaudhari

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CORAM : ABHAY S. WAGHWASE, J.

**RESERVED ON : 23 APRIL, 2025
PRONOUNCED ON : 24 APRIL, 2025**

ORDER :

1. Applicant seeks enlargement on regular bail on account of his arrest in crime no.0621 of 2024 registered with Nanded Gramin Police Station, District Nanded, for offence under Sections 103(1), 115(2), 3(5) of the Bharatiya Nyaya Sanhita and under Sections 4, 25 and 27 of the Arms Act.

2. Learned counsel submitted that applicant is arrested in above crime on 18-07-2024. That, there are mere allegations of giving kick

and fist blows. That, main allegations of use of knife are against non-applicant accused. That, cause of death is attributed to stab injury. That, as regards to present applicant is concerned, there are no allegation of any article put to use. Therefore, there is no question of any recovery to be made. That, there is no incriminating material. That, chargesheet is already filed in October, 2024. That, learned trial Court had already granted bail to co-accused Deepak Godbole against whom there are similar allegations. That, future course of trial is uncertain and therefore, when no further recovery or discovery is to be made, learned counsel urges for grant of bail.

3. Learned APP opposed application on the ground that serious offence like murder has been committed. That, there is eye witness account. That, allegations against applicant are that he caught-hold hands of deceased and facilitated accused no.1 to stab. That, there is statements of eye witness namely Shankar Waghmare. Therefore, according to learned APP, in this case, present applicant has facilitated the assault and therefore, successful blow was given by main accused. She also apprehends misuse of liberty.

4. Heard. Perused the FIR dated 18-07-2024 at the instance of

one Rameshwar Landage, who has reported that on 17-07-2024, he learnt that his son Amol is being assaulted by 2-3 persons. Therefore, he and his wife rushed to the said spot. On reaching the spot, he saw his son Amol being beaten by Akash, Deepak and Shantanu. It is alleged that his son was assaulted by Akash and Deepak by means of Khanjar on chest, back and abdomen and Shantanu i.e. present applicant caught hold of deceased and gave kick and fist blows to deceased. After being taken to the hospital, his son was examined and declared dead and therefore, he lodged above report.

5. Learned APP has submitted that there is eye witness account. Statement of said witness namely Shankar Waghmare is visited and he has stated that on 17-07-2024 when he and one Amol were proceeding towards their house, at that time, from their backside Akash, Deepak and Shantanu came and Shantanu and Deepak caught-hold Amol and Akash said “*run now, how you run would be seen and we would kill you*” and saying so he stabbed Amol with Khanjar in the abdomen. He has further stated that later on, he himself and parents of Amol came and they approached injured. Therefore, what is emerging is that, in the FIR, informant has reported about his son being stabbed by Akash and Deepak and

allegations of catching hold and giving fist and blows are attributed to present applicant. Accused Deepak Godbole is beneficiary of bail at the hands of trial Judge.

On visiting statement of independent witness Shankar Waghmare, who is said to be an eye witness, it is emerging that present applicant caught hold of deceased alongwith Deepak and assault is carried out by Akash. Papers show that there is recovery of knife at the instance of Akash. Therefore, when one of the accused, against whom there are similar allegations, has been granted bail, on the ground of parity, even present applicant deserves similar treatment. Hence, following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Shantanu s/o Nandkishor Dehane be released on bail in connection with Crime no.0621 of 2024 registered with Nanded Gramin Police Station, District Nanded on executing Personal Bond of Rs.50,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.

(vi) Applicant shall not enter vicinity of Gautami Nagar, Balirampur, District Nanded, till conclusion of trial.

(v) Applicant shall not leave the jurisdiction of Nanded Gramin Police Station, District, Nanded, till conclusion of trial, except for attending Court dates.

(vi) Applicant shall report to Nanded Rural Police Station, District Nanded, thrice in a week i.e. on every Monday, Wednesday and Friday till commencement of trial and thereafter, he shall regularly attend each and every effective date before the trial Court.

(ABHAY S. WAGHWASE)
JUDGE