

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 327 of 2024**

Ashish Mansing Shinde

... Appellant

versus

The State of Maharashtra and anr.

.... Respondents

Mr. Shailesh D. Chavan with Mr. Shrikant Panhale and Mr. Rupesh Atul Zade, Advocate for the Appellant.

Ms. Sangeeta D. Shinde, APP for Respondent No.1-State

Ms. Kanchan Pawar, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th APRIL, 2025.

P.C. :

1. The bail application of the appellant is rejected by the Trial Court, hence, the appellant is before this Court by way of this appeal.

2. By this appeal, the appellant is seeking regular bail in Crime No.503 of 2023 registered with Bhuij Police Station, Satara, for offences punishable under Section 302 of the Indian Penal Code 1860 and Sections 3(2)(v) and 6 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. It is prosecution's case that on 25th November 2023 at about 7.15 a.m., the deceased was murdered by unknown persons by inflicting injuries on him with sharp weapons. It is alleged that the appellant and co-accused assaulted the deceased with wooden sticks and rubber pipe

as deceased abused the appellant and co-accused.

4. It is contention of learned counsel for the appellant that the appellant has been falsely implicated in this case. There was no motive for the appellant to kill the deceased, it was against accused No.1 as deceased used to abuse grandmother of accused No.1 under the influence of liquor, because of that, accused No.1 had anger in his mind against the deceased. The appellant is behind bar for more than 1 year and 5 months. Hence, requested to allow the appeal.

5. It is contention of learned APP along with learned counsel for respondent No.2 that the appellant assaulted the deceased. All of them had drunk liquor. The appellant was last seen with deceased. Blood stained clothes are recovered at the instance of the appellant. The appellant is involved in the murder of the deceased. If he is released on bail, he may abscond or threaten the prosecution witnesses. Hence, requested to reject the application.

6. I have heard all learned counsel, perused the charge-sheet.

7. The prosecution case is based on circumstantial evidence. It is prosecution case that after drinking liquor, there was scuffle between the deceased, appellant and co-accused on the ground that deceased had abused the appellant and co-accused. It reveals from the record that motive to kill deceased was against accused No.1. The appellant is behind bar for more than 1 year 5 months. Investigation is completed,

charge-sheet has been filed. Considering these facts, I pass following order :

ORDER

- (i) The appellant be enlarged on bail in Crime No.503 of 2023 registered with Bhuij Police Station, Satara, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The appellant shall attend the concerned police station as and when required.
- (iii) The appellant shall not attempt to influence or contact the witnesses or any person concerned with the case.

The appeal is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)