

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

CRIMINAL BAIL APPLICATION NO.1579 OF 2024

Nilesh Vithoba Gadade Applicant

V/s.

The State of Maharashtra Respondent

**WITH
INTERIM APPLICATION NO.2878 OF 2024
IN
CRIMINAL BAIL APPLICATION NO.1579 OF 2024**

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Chaitanya Sakharan Patole Applicant

V/s.

The State of Maharashtra & Anr. Respondents

Mr.Manas N. Gawankar, for the Applicant.

Ms.Sangeeta D. Shinde, APP, for Respondent-State.

Mr.Chirag R. Sonecha, for the Intervenor in IA No.2878 of 2024.

CORAM : SHIVKUMAR DIGE, J.

DATE : 06th FEBRUARY 2025

P.C:-

. By this Application, Applicant is seeking regular bail in Crime No103 of 2020, registered with MIDC Kupwad Police Station, for the offence's punishable under Sections 302, 120-B,

307, 143, 147, 149, 109, 120 of the Indian Penal Code, 1908 ('IPC' for short) and under Sections 4 and 25 of the Arms Act.

2. It is prosecution case that, on 10th July 2020, the Applicant and co-accused barged in company, where deceased was working and assaulted him with sword and sickle and murdered him.

3. It is contention of the learned counsel for the Applicant that, co-accused has been released on bail by Hon'ble Apex Court. Hence, the Applicant is seeking bail on principle of parity. The learned counsel further submitted that, the Applicant is behind bar more than 4 years and 6 months. On last date charge has been framed. There are total 81 witnesses. It may take time to conclude the trial. Hence, requested to allow the Application.

4. It is contention of the learned APP that, the Applicant and co-accused brutally murdered the deceased by going in his company. The attack was so brutal that, skull of the deceased was broken and his brain had come out. Multiple injuries were inflicted on the body of the deceased. The incident

is witnessed by eye witness. The sword and sickle used in the crime, is recovered at the instance of the Applicant. The Hon'ble Apex Court has released co-accused on bail as charge was not framed. Now charge has been framed and trial has been commenced. The prosecution is not going to examine all witnesses. Hence, requested to reject the Application.

5. I have heard both learned counsel. Perused charge-sheet.

6. The allegations against the Applicant are that, he along with accused barged in the company where deceased was working and assaulted him with sword and sickle. They inflicted multiple injuries on the body of the deceased, when one eye witness tried to rescue the deceased, the Applicant and co-accused assaulted him. The incident is witnessed by eye witnesses. The incident was happened in broad day light. The weapons used in the crime i.e. sickle and sword are recovered at the instance of the Applicant. The Hon'ble Apex Court has released co-accused on bail as charge was not framed. Though he

was behind bar for long period. At present charge has been framed against the Applicant and trial is in progress.

7. As there is direct evidence against the Applicant. Trial is in progress. The deceased was brutally murdered. If Applicant released on bail he may threaten prosecution witnesses, may hamper the trial, hence I pass following order.

ORDER

- (i) Application is rejected.
- (ii) All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)