

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

Bail Application No.3357 of 2024

Shrihari Kondaji Shelke

Aged 63 years, Occ.: Agriculturist,

R/o. Yashvant Nagar,

Tal & Dist. Nashik,

(At present Nashik Road

Central Prison)

... Applicant

Versus

The State of Maharashtra

through Investigating Officer,

Nashik Taluka Police Station,

District Nashik.

... Respondent

None for the applicant.

Mr SV Walve, APP, for the respondent/ State.

Coram: R.N. Laddha, J.

Date: 18 September 2025.

P.C.:

The present application has been preferred by the applicant under Section 439 of the Code of Criminal Procedure, 1973, in connection with CR No.112 of 2022, registered with Nashik Taluka Police Station, Nashik Rural, for offences punishable under Sections 302, 323, 341, 352 read with Section 34 of the Indian Penal Code.

2. Today, none appeared on behalf of the applicant. However, in the interest of justice and having regard to the nature of the relief sought, this Court has proceeded to examine the application on the merits. The grounds set forth in the bail application have been duly considered.

3. The applicant contends that he has not committed the alleged offence and that the FIR does not attribute any specific or direct role to him in the commission of the offence. It is further submitted that the investigation in the matter has been concluded and the charge sheet has been filed before the competent Court. The applicant also asserts that he has no prior criminal antecedents and expresses his readiness to comply with any conditions that may be imposed by this Court in the event of this release on bail.

4. Mr SV Walve, learned Additional Public Prosecutor representing the respondent/ State, has opposed the bail application. He submits that the applicant and the deceased were related and had a long-standing dispute over immovable property. It is alleged that, at the time of the incident, the applicant physically restrained the deceased, thereby enabling the co-accused to inflict fatal injuries with a weapon. The learned APP further submits that the nature of the offence is grave and serious, involving a premeditated and coordinated

assault resulting in the death of the deceased. It is also pointed out that the applicant had previously preferred a bail application before the Sessions Court, which was rejected vide order dated 21 May 2024. The learned APP draws attention to the recovery of blood-stained clothes belonging to the co-accused and the deceased, as well as the weapon allegedly used in the commission of the offence. It is further submitted that there are eyewitnesses to the incident whose testimony forms a crucial part of the prosecution's case, and that the applicant's release at this stage may prejudice the fair conduct of the trial and adversely impact the administration of justice.

5. Upon careful examination of the records, it *prima facie* appears that the applicant is alleged to have played an active and facilitative role in the commission of the offence. The allegations suggest that the applicant physically assisted the co-accused in overpowering the deceased, thereby contributing to the fatal assault. The nature of the injuries sustained, the recovery of incriminating articles, and the presence of eyewitnesses lend credence to the prosecution's case.

6. The offence alleged is of a grave and serious nature, involving the loss of human life. The applicant's role, though not involving direct infliction of injury, is alleged to be integral

to the commission of the offence. The possibility of tampering with evidence or influencing witnesses cannot be ruled out if the applicant is released on bail at this stage.

7. Having regard to the gravity of the offence, the nature of the allegations, the stage of proceedings, and the potential impact on the course of justice, this Court is not inclined to exercise discretion in favour of the applicant.

8. Accordingly, the present bail application stands rejected.

[R.N. Laddha, J.]