

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

CRIMINAL BAIL APPLN. NO. 4563 OF 2024

Nitin Dhondu GhanekarApplicant
Vs.
The State Of MaharashtraRespondent

Mr. Subir Sarkar, Advocate for Applicant
Mr. Anand S. Shalgaonkar APP for the Respondent-State.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 6th MARCH 2026.

P.C.

1. The applicant seeks regular bail in connection with C.R. No.165 of 2019 dated 23/10/2019 registered with Ratnagiri Rural Police Station, District Ratnagiri for offences punishable under Sections 394 read with 34 of the Indian Penal Code.

2. Informant, lodged complaint stating that the house in which he resides alongwith family members is owned by his father Govind Gunaji Kinjale. On 20/10/2019, informant's father due to dog bite, after initial treatment at home, on 22/10/2019, the informant took his father to the Jakadevi Primary Health Centre for medical treatment. After receiving treatment, the informant left for his house while his father informed him that he would go to the Jakadevi Bazaar and thereafter return home. At about 2:39 p.m., the informant

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received a phone call stating that his father had been severely assaulted and was bleeding from his body and he was lying near the Narve Datt Temple.

3. On reaching the said place, he found that his father had sustained multiple injuries and had been severely assaulted. Due to injuries to his face, he was unable to speak properly. He was immediately admitted to Siddhi Hospital, Ratnagiri. Since the health condition deteriorated, on 23/10/2019 he was further admitted to Nirmal Hospital, Sawali Stop. On enquiring his father about the incident; due to the injuries sustained, he was unable to speak properly. Still he stated briefly that while returning from the Jakadevi Primary Health Centre, an unknown person approached him and told him that there is some work and asked him to come along.

4. Thereafter, the said person took him into a forest area to show the plantation. While they were returning from the said place, suddenly the said person went behind a bush and disappeared. Suddenly two to three unknown persons came from behind and assaulted him with sticks. Due to the said assault he became unconscious. When he regained consciousness later, he noticed that his gold chain from his neck, the cash from his pocket and his mobile handset had been stolen. Informant noticed diary of his father. In the said diary, the name "Sachin Shitap Kote" was written in English

along with mobile number, and names of Savitribai Shitap and Gangaram Shitap were written. Upon inquiry with his father about the person who assaulted him, the father denied knowing different persons but stated that the name of the person who had taken him was Sachin Shitap. Accordingly, the informant came to know that the said Sachin Shitap along with two to three other persons had assaulted his father with sticks causing serious injuries and had robbed him of the valuables.

5. Learned counsel for the applicant submits that the alleged incident is dated 22/10/2019 in relation to which report was lodged on the next date and eventually arrest of the applicant is effected on 2/11/2019. Applicant is behind bar for substantial period. Investigation is complete for all intent and purpose. Having suffered incarceration of substantial period, applicant deserves to be admitted to bail.

6. *Per contra*, learned APP opposed the bail application submitting that the complicity of the applicant is evident from the investigation carried out and further applicant has antecedents. In any case, trial is in progress and as such, applicant does not deserve to be admitted to the bail.

7. Upon hearing learned counsel for the applicant and learned APP and perusal of the material on record including the charge-sheet,

prima facie it appears that the applicant has been incarcerated for four and half years. Investigation is complete. So far as the attempt of the prosecution to highlight the antecedents, same does not serve as a ground to deny bail, if the facts of case, fails to establish a *prima facie* necessity for continued incarceration, as held by the Hon'ble Apex Court in the case of ***Prabhakar Tewari Vs. State of U.P. and another [(2020) 11 SCC 648]*** and further, investigation is complete for all intent and purpose.

8. Apart from aforesaid aspect, prosecution is not in a position to demonstrate that the trial is in progress as the applicant is arrested in 2019. Having undergone the incarceration for substantial period, further incarceration would be unjustified and unwarranted. Therefore, I am inclined to exercise discretion in favour of the applicant.

9. Resultantly, the applicant deserves to be admitted to the bail on following conditions:

ORDER

- (i) The bail application is allowed.
- (ii) Applicant, Nitin Dhondu Ghanekar be released on bail, on furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like

amount, in connection with C.R. No.165 of 2019 dated 23/10/2019 registered with Ratnagiri Rural Police Station, District Ratnagiri for offences punishable under Sections 394 read with 34 of the Indian Penal Code, on the following conditions :-

- (a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court
 - (c) The applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iii) Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

10. Fees of learned counsel appointed for the applicant is quantified to the tune of Rs. 10,000/- .

(SACHIN S. DESHMUKH, J.)