

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLN. NO. 3734 OF 2025**

Deepak Gauraji GamareApplicant
VERSUS
The State Of MaharashtraRespondent

CRIMINAL BAIL APPLN. NO. 14 OF 2026

Prashant Prakash ShindeApplicant
VERSUS
State Of MaharashtraRespondent

Mr. Sarvajit Bharatsham Patil, Advocate for Applicant in BA 3734/2025

Mr. Rajesh Bhosle, for the applicant appointed by High Court Legal Services Authority in BA 14/2026

Mr. P. P. Deokar APP for the State in BA 3734/2025

Mr. Anand S. Shalgaonkar APP for the State in BA 14/2026

CORAM : SACHIN S. DESHMUKH, J.

DATE : 10th MARCH 2026.

P.C.

1. By these applications, applicants are seeking regular bail in C.R. No. 21/2023 dated 22/04/2023 registered with Alore-Shirgaon Police Station, District Ratnagiri for offences punishable under Sections 302, 454, 457, 380 and 460 r/w 34 of the Indian Penal Code.

2. Prosecution case is, police of Alore Shirgaon Police Station registered Accidental Death No.9/2023 in respect of death of one Nirmala Shinde. During investigation it is revealed that one Deepak Sadashivrao Shinde has filed the report and it was informed that the

deceased was residing alone at Rictoli Indapurwadi and her son & daughter-in-law were residing at Thane. It is alleged in that on 19.04.2023 at about 08.30 p.m. when Deepak Shinde was passing through the house of deceased, she called him and asked him to give company to one person standing near her house upto Ganpati temple. However, since he was not acquainted with that person, as such made inquiry with him and came to know that he was guest of Prakash Shinde. It is further alleged that on 20.04.2023 at about 09.00 a.m. when Deepak Shinde was proceeding towards his house from the house of deceased, he had given a call to deceased but there was no response from her. Therefore, Deepak Shinde along with one Vinayak Shinde went to house of deceased at about 09.30 a.m. and they found her in dead condition. At that time they have also found that gold earrings of deceased were stolen and the door of the house was in broken condition.

3. Learned counsel for the applicants have submitted that the case is based on circumstantial evidence. There is no material to indicate the involvement of the applicants. Investigation is complete and charge-sheet is filed. Charge is yet to be framed. As such, further incarceration of the applicants would be unjustified.

4. Learned APP opposed this application submitting that there is sufficient material on record to show the complicity of the

applicants.

5. Upon considering submissions of learned counsel for the applicants, learned APP so also on perusal of material on record including the charge-sheet, although the prosecution case is permitted on circumstantial evidence, however, prima facie, there is no seamless incriminating material on record to indicate and establish the complicity of the present applicants in the alleged incident.

6. Investigation is complete for all intent and purpose and charge-sheet is filed and nothing further is to be recovered at the instance of the present applicants. Nonetheless, having regard to the number of witnesses which prosecution proposed to examine, it is very unlikely that the trial can be commenced and concluded within the reasonable time.

7. As such, further detention of the applicants as under trial prisoners, in the circumstances hereinabove, does not seem to be warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favour of the applicants.

8. Hence, following order:

ORDER

I. The bail applications are allowed.

II. Applicants, Deepak Gauraji Gamare and Prashant Prakash Shinde, be released on bail, on furnishing PR. bond in the sum of

Rs.50,000/- (Rs.Fifty Thousand) each with one or two local solvent sureties, in the like amount, in connection with C.R. No. 21/2023 dated 22/04/2023 registered with Alore-Shirgaon Police Station, District Ratnagiri for offences punishable under Sections 302, 454, 457, 380 and 460 r/w 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 the concerned seeking cancellation of bail.

9. 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. List these applications for further consideration on 13/03/2026.

11. Professional fees of Rs. 10,000/- to be paid to learned counsel for the applicant in BA 14/2026 appointed through High Court Legal Services Authority.

(SACHIN S. DESHMUKH, J.)

IRESH
MASHAL

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