

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 573 OF 2025

Baban Dagdu ShindeApplicant

Versus

The State of MaharashtraRespondent

with

CRIMINAL BAIL APPLICATION NO. 3584 OF 2025

Balu Maruti GosaviApplicant

Versus

The State of MaharashtraRespondent

Mr. Satyavrat Joshi i/b. Ms. Sakshi Mane, Advocate for Applicant in BA/573/2025.

Mr. Zaid A. Qureshi, Advocate for the Applicant in BA/3584/2025.

Mr. B. B.Kulkarni, APP for Respondent-State.

Mr. Raviraj Paramane, Advocate for the First Informant.

API-ShitalKumar A. Doijad, Vadgaon Maval Police Station, Pune, is present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th FEBRUARY, 2026.

P.C. :

1. Both applications are arising out of the same crime, hence, I am deciding them by this common order.

2. The applicants are seeking regular bail in Crime No.12 of 2021 registered with Vadgaon Maval Police Station, Pune Rural, for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 354, 341, 427, 504, 506 of the Indian Penal Code and Sections 37(2) read with 135 of Maharashtra Police Act.

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3. It is prosecution's case that on 19th January 2021, at around 7:30 p.m., the applicants and co-accused assaulted the son of the first informant with sickle and wooden rod, and murdered him. It is alleged that the applicants outraged the modesty of the first informant and damaged her car. The genesis of dispute was not giving side to pass a car.

4. It is contention of learned counsel for the applicants that the incident occurred out of a sudden quarrel. The applicants had no intention to kill the deceased. There was an altercation between the applicants and deceased. In the said quarrel, the deceased was murdered. The applicants have no antecedents. The deceased was admitted in the hospital for one month and thereafter he died. The cause of death is septicemia. He did not die due to injuries caused to him. The applicants are behind bars for more than five years. There is no progress in trial and requested to allow the applications.

5. It is contention of the APP along with learned counsel for respondent No.2 that the incident did not occur suddenly. There was a quarrel between accused No.1-Sunil Shinde and deceased on account of not giving side to the car. When some persons abused the first informant and her son, they caught hold of one person i.e. accused No.1-Sunil Shinde and were bringing him to the police station. At that time, the applicants and co-accused came to the incident spot with sickles and wooden rods

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and assaulted the son of the first informant. They outraged the modesty of the first informant and damaged their car. It shows that the attack on the first informant and her son was pre-planned. Though there is delay in the trial, it is due to the applicants and co-accused protracting the trial with an ulterior motive and not because of the prosecution. The punishment provided for the offences committed by the applicants is life imprisonment or capital punishment. The deceased was admitted in the hospital for one month due to which he developed septicemia, because of the injuries sustained, deceased's organs failed and he died due to organ failure caused by septicemia. Learned APP further submitted that in broad daylight, the deceased was brutally murdered by the applicants and co-accused. The applicants have been identified in Test Identification Parade. Learned APP further submitted that the trial has commenced and one witness has been examined. The evidence of the first informant is recorded and the Trial is in progress. If the applicants are released on bail, they may threaten the prosecution witnesses and requested to reject the applications.

6. I have heard all learned counsel, perused the charge-sheet and documents produced on record. It appears from record that the initial quarrel had taken place between the deceased, first informant and 3 to 4 persons. Those persons abused the deceased and the first informant and assaulted them with fist blows. Out of those 4 persons, the first informant

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and deceased, , caught hold of one person i.e. accused No.1-Sunil Shinde and were bringing him in their car to the police station to lodge a complaint. When their car reached near the railway gate, at that time, 6 to 7 persons came in Swift and Eco cars. They were holding sickles, wooden rods and stones in their hands and they assaulted the son of the first informant. Due to the said assault, he got severely injured. The said persons also outraged the modesty of the first informant. The incident happened in a public place. The injured was admitted to the hospital and he died while undergoing treatment. It is contention of learned counsel for the applicants that the deceased did not die due to injuries caused to him. In my view, the deceased died due to organ failure while he was undergoing treatment for the injuries sustained by him. He was brutally assaulted. The injury certificate shows that the deceased had sustained injuries on vital part of the body i.e. his head. The skull of the deceased was entirely fractured. The applicants were identified in the Test Identification Parade. Though the applicants are stating that they are behind bars for more than five years, the punishment provided for the offences committed by the applicants is life imprisonment or capital punishment. The trial is in progress.

7. The earlier bail application of the applicant-Baban Shinde was rejected by this Court. It was challenged before the Hon'ble Apex Court by

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filing Special Leave Petition. The Hon'ble Apex Court allowed to withdraw the petition and granted liberty to file fresh bail application before this Court. As observed above, there is direct evidence against the applicants, the assault on the deceased cannot be stated to have occurred out of sudden quarrel. The trial is in progress.

9. In view of above, I pass following order :

ORDER

(i) The applications are rejected.

(SHIVKUMAR DIGE, J.)