

N.S.Kamble

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

CRIMINAL BAIL APPLICATION NO.1307 OF 2025

Nanasaheb Baburao Shinde

... Applicant

Versus

The State of Maharashtra

... Respondent

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Mr.Aabad Ponda, Senior Advocate i/b Mr.Karan Jain, for the Applicant.

Mr.P.P. Jadhav, APP for Respondent-State.

Mr.Priyal Sarda a/w Mr.S.S. Sane, for the Intervenor.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27th JANUARY, 2026

P.C.:

. By this Application, Applicant is seeking regular bail in Crime No.20 of 2022 registered with Lonikand Police Station, Pune, for the offences punishable under Sections 302, 307, 341, 143, 147, 148, 149, 427, 120(B) and 201 of the Indian Penal Code, 1860 ('IPC', for short), Sections 3(24) and 4(25) of the Arms Act, Sections 3 and 7 of Criminal Law Amendment Act, Sections 37(1), 37(3) read with Section 135 of the Maharashtra Police Act and Sections 3(1)(i), 3(2),

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3(3) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 ('MCOCA', for short).

2. It is prosecution's case that on 12th January 2022, when First Informant, her father-in-law, Kumar Shinde and her brother-in-law Prathamesh Shinde were returning to their village in a car, at relevant time, co-accused intercepted their car and brutally assaulted father-in-law and brother-in-law of the First Informant with sickle, wooden rod and stones, thereby causing their death. It is alleged that First Informant and other occupants of the car were also assaulted with an intention to kill them.

3. It is alleged that the husband and brother-in-law of the First Informant are accused in the murder case of the Applicant's son Sachin Shinde. Deceased Prathamesh Shinde was one of the accused in the said case. Taking revenge of Sachin's murder is allegedly motive for the present crime.

4. It is contention of learned Senior Counsel for the Applicant that the allegations against the Applicant are of conspiracy and not of direct participation. Though the name of the Applicant is mentioned in the FIR, but no specific role has been attributed to him. There is no

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recovery at the instance of the Applicant. There are no antecedents with the gang leader or the other members of the gang *qua* the Applicant. Therefore, the applicability of MCOCA is seriously doubtful *qua* the Applicant. The statement of the witness Rohan Thorat is recorded belatedly on 31st March 2022, which creates doubt about its version. The medical condition of the Applicant is deteriorating day by day. The Applicant is in incarceration for more than four years. The charge-sheet is voluminous and there is list of 142 witnesses cited in the charge-sheet. Therefore, the trial is not likely to conclude soon. Hence, requested to allow the Application.

5. It is contention of learned APP along with learned counsel for Intervenor that the Applicant is the main conspirator and mastermind behind the crime. The son of Applicant, namely Sachin Shinde, was murdered on 9th February 2021. The deceased in the present crime, Prathamesh Shinde, was one of the co-accused in the said offence and was released on bail by learned Sessions Court on 28th September 2021. The Applicant in connivance with co-accused hatched conspiracy to commit murder of the deceased Prathamesh and his father Kumar Shinde. The learned APP further submitted that the

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Applicant's name is mentioned in the FIR on the day of incident i.e. on 12th January 2022. The Applicant was captured in CCTV footage while interacting with other co-accused persons. In the FIR, it is specifically mentioned that the Applicant, alongwith co-accused Ashitosh Shinde, instigated others to take revenge of the murder of his son Sachin. The gang leader Nikhil was residing in house of the Applicant since the murder of his son. The Safari vehicle used in the crime belongs to the Applicant. The said vehicle was used after changing number plate from MH-12-FF-0099 to MH-12-DM-5217.

6. The learned APP further submitted that the present Applicant provided financial assistance to absconding accused Rugved for the purpose of purchasing said Safari vehicle. The weapon used in present crime were concealed in animal shed belonging to the Applicant. The offence was pre-planned murder. The Applicant had strong motive. The Applicant's house was used as a meeting point for planning the offence. The Applicant has criminal antecedents. If the Applicant is released on bail, he may threaten prosecution witnesses and requested to reject the Application.

7. I have heard all learned counsel. Perused charge-sheet and

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documents produced on record.

8. In FIR, it is mentioned that when co-accused were assaulting the deceased Prathamesh, gang leader/co-accused Nikhil Patil told the First Informant that “you have killed our Sachin Bhau, I will kill you too. Applicant and Ashitosh has instructed me to kill you all and I would not let their words go unfulfilled.” There is reference of the Applicant in FIR, it is specifically mentioned that said attack was done on the say of the Applicant. The Applicant has strong motive to kill the deceased Prathamesh as he was one of the accused in the murder of the Applicant’s son. The police has seized black coloured safari vehicle bearing No.MH-12-DM-5217 (Chassis No.4030816LRZN16153 and Engine No. RC678112PW) from the spot of incident. In investigation, it is revealed that the said vehicle belongs to the Applicant. Original colour of the vehicle was white. It appears that the colour and number plate of the vehicle were deliberately changed to facilitate the commission of the offence. As the vehicle belongs to the Applicant, a strong *prima facie* link is established between the Applicant and the offence. In the statement of the witness Santosh Shinde, given before the police, he has stated that the Applicant had

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planned to take revenge of his son's murder and he had sworn not to wear any footwear till then. Witness Kiran Shinde, has stated before the police that gang leader Nikhil Patil was staying in the Applicant's house after the murder of Applicant's son Sachin i.e. from November 2021, and other co-accused who are gang members, namely Mauli Kolthe, Hritik Kinkar, Nikhil Jagtap, Rugved Walke and other unknown persons, frequently visited the house of the Applicant to meet him and were hatching the plans.

9. Witness Pushpak Mahenderikar has stated to the police that on the day of incident, the Applicant and co-accused were present near the spot of incident prior to the incident. It appears from the statement of witness Ruksana Pathan, Usman Pathan, Omkar Shinde and Akash Sonawane that the Applicant had purchased Safari vehicle No.MH-12-DM-5217 through witness Akash Sonawane for Rs.80,000/- and it was transferred in the name of co-accused Rughved Walke. The said vehicle was seized from the incident spot. The CCTV panchnama produced on record shows that on the day of incident, the gang leader Nikhil Patil and co-accused were carrying weapons from the animal shed of the Applicant in the Safari vehicle seized from incident spot.

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The CCTV Panchnama shows that the gang leader Nikhil Patil and co-accused frequently visited the house of the Applicant.

10. From the documents produced on record and statement of witnesses, it appears that the Applicant had strong motive to kill the deceased. He facilitated offence by providing his vehicle and by deliberately changing the number plate. The CCTV footage produced on record shows that the gang leader and co-accused frequently visited the house of the Applicant before the incident. The evidence indicates that the Applicant had actively participated in planning, facilitating, and executing the offence through conspiracy and continuous association with the co-accused.

11. The deceased are murdered in broad daylight on a public road. The manner in which the offence was committed in broad daylight on a public road using deadly weapons, reflects extreme brutality and complete disregard for law and public order. Such acts not only resulted in loss of innocent lives but also created fear in society and seriously disturb public peace and tranquillity.

12. The Applicant has criminal antecedents. The First Informant and prosecution witnesses stay in same village. There exists a reasonable

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apprehension that, if Applicant is released on bail, he may abscond or influence and threaten the witnesses, thereby obstructing the course of justice. The gang leader Nikhil Patil is still absconding.

13. In view of above, I pass following order.

ORDER

(i) The Application is rejected.

(SHIVKUMAR DIGE, J.)