

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.348 OF 2015****IN****CRIMINAL APPEAL NO.231 OF 2015**

Ashok Krishnath Gotane

..Applicant.

versus

The State of Maharashtra

..Respondent.

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Mr. A.P. Mundargi, Senior Advocate with Mr. Ashok Gade i/b Mr. Jaydeep D. Mane for the for the Applicant.

Mr. H.J. Dedhia, Addl.P.P. for the State.

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CORAM : SMT V.K. TAHILRAMANI, Acting C.J.& A.S. GADKARI, J.

15th September, 2015.

P.C. :

Heard learned counsel for the Applicant – original accused No.5 and the learned APP for the State. The Applicant has been mainly convicted under Section 302 read with Section 149 of the Indian Penal Code.

2. It is the prosecution case that the Applicant along with other accused committed the murder of Dhanyakumar @ Samadhan. The Applicant is now seeking bail.

3. There are two eye witnesses to the incident i.e. P.W.3- Subhash and P.W.6- Prabodhan. Though both these witnesses state that the Applicant was present, both these witnesses have not attributed any weapon to the Applicant. Moreover, no

specific role of assault has been attributed to the Applicant. Learned counsel for the Applicant submitted that the Applicant was on bail pending trial and he has not misused the liberty granted to him. This statement is not controverted by the prosecution. Looking to all the above facts, we are inclined to grant bail to the Applicant. Hence the following order :

Applicant - Ashok Krishnath Gotane to be released on bail on executing P.R. bond in the sum of Rs.25,000/- (Rs.Twenty five thousand only) with one solvent surety to make up the said amount. During the period that Applicant is on bail, he will report to Mohol Police Station once in a month i.e. on first Monday of every month.

The Application is disposed of in above terms.

(A.S. GADKARI, J.)

(ACTING CHIEF JUSTICE)

CERTIFICATE

Certified to be true and correct copy of the original signed
Order.