

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

BAIL APPLICATION NO. 1616 OF 2019

Mr. Rohan Dnyaneshwar Godse ...Applicant

V/s

The State of Maharashtra ...Respondent

Mr. Adwait Bhonde for the Applicant.

Mr. H. J. Dedhia APP for the State/Respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 14th November 2019

PC :

1. This is an application seeking bail in connection with C.R. No. 120 of 2018, registered with Faraskhana Police Station, Pune for the offences punishable under Section 302 r/w 34 of Indian Penal Code, 1860 (for short 'IPC').

2. The applicant was arrested on 17.06.2018 and since then he is in custody. The investigation is over and charge-sheet is already filed. The prosecution case pertains to murder of one Tanaji Dhondiram Korke.

3. The statements recorded during the course of investigation would indicate that a quarrel had occurred at

the spur of moment on account of payment of fare between accused no. 1 and the deceased. The applicant has subsequently joined the quarrel and had assaulted. It appears that, the applicant had given one fist blow on the face of the deceased. The injured was taken to the hospital, where he was declared as dead. Post-mortem report indicates that, death is due to head injury. The co-accused has preferred bail application before this Court, which has been allowed by order dated 26th September, 2019. While granting bail, this Court has observed that, the eye-witnesses have not stated that any head injuries were caused by either of the accused. It, prima facie, it does not appear that there was intention to commit murder.

4. Learned APP submitted that, there are three cases registered against the applicant which are pending. Learned counsel for the applicant submits that, the first case pertains to CR. No. 57 of 2015 registered for offences under Sections 326, 323, 504 r/w 34 of IPC is pending in the Court. Other case arising out of CR. No. 83 of 2013 pertains to offences under Sections 324, 323, 504 of IPC is also pending in the Court. The third case arising out of CR. No. 42 of 2012 registered for the offences punishable under

Section 324 of IPC has resulted in acquittal. The applicant is in custody from 7th June, 2018. Considering the facts, the case is made out for grant of bail.

ORDER

- (i) Bail Application No. 1616 of 2019, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 120 of 2018, registered with Faraskhana Police Station, Pune, on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) The applicant shall attend the concerned Police Station, once in a month for a period of one year and shall co-operate with the investigation.
- (iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)