

Maria S.

**IN THE HIGH COURT OF BOMBAY AT GOA**

**CRIMINAL APPLICATION (BAIL) NO.10 OF 2023**

Gulab Mahato @ Gulab Mahto  
presently in judicial custody  
Modern Central Jail at Colvale.

**... Applicant**

***Versus***

State of Goa through Public  
Prosecutor And Anr.

**... Respondents**

**Mr K. Raikar with Ms Aditi K. Salkar, Advocates for the Applicant.**

**Mr S. G. Bhobe, Public Prosecutor for the Respondents.**

**CORAM: M. S. KARNIK, J.**

**DATED : 25<sup>th</sup> APRIL 2023**

**P.C.:**

1. This is an application for bail by the applicant Gulab Mahato who is the original accused no.2. The offence alleged against the applicant is under Sections 302, 201, r/w. 34 of I.P.C. registered vide Crime No.96/2022 at the Verna Police Station.

2. My attention is invited to the order dated 10.04.2023 granting bail to the co-accused no.3-Rupesh Mahato. The relevant portion of the order reads thus:-

*'3. The date of the incident is 07/07/2022. Three accused are implicated in respect of the crime in question. The applicant is the accused no.3. The co-accused, the applicant, as well as the deceased-*

*Prabhu Mahato, were all working in one company named Royal Foods. There are no eye-witnesses. The case is based on circumstantial evidence. A doubt is expressed that the dead body is not that of the deceased Prabhu Mahato. The DNA report does not conclusively indicate that the dead body is that of Prabhu Mahato. In fact, the wife of the deceased was not in a position to identify the body. The wife of the deceased stated that the dead body is not that of her husband.*

*4. In respect of the incident on 07.07.2022, on record is a statement of one Sudhir Ramchandra Mahto dated 31.07.2022 who stated that the applicants and the deceased were together on 06.07.2022 and consumed liquor. On 07.07.2022, early in the morning he heard some noise of fighting. There was a fight between the applicant, co-accused and the deceased. The accused were beating Prabhu Mahato with fist blows and thereafter all of them went towards the compound wall. The witness has stated that it is only the applicants who returned back. Prima facie, there is delay in recording the statements. In any case, the DNA report as regards identity of the body does not disclose that the body is that of Prabhu Mahato. The wife of Prabhu Mahato categorically stated that the body is not that of Prabhu Mahato.*

*5. At the highest, the material on record reveals that the applicant is a strong suspect involved in the commission of the offence. The applicant is in custody since 1<sup>st</sup> July 2022. There are no criminal antecedents reported against the accused. The investigation is complete and the charge-sheet has been filed. There is nothing to indicate that the applicant will evade attending the trial. Conditions can be imposed while releasing the applicant on bail. The observations have been made by me for the limited purpose of considering the application for bail. The trial shall obviously proceed on its own merits in accordance with law. The application is, therefore, allowed.'*

3. On the ground of parity, the present applicant can be enlarged on bail. Hence, the following order:-

**ORDER**

- a) The applicant shall be released on bail on furnishing PR bond of ₹25,000/- with one or more sureties in the like amount to the satisfaction of the learned Trial Court.
- b) The applicant shall attend the trial regularly and report to the Investigating Officer on first Monday of every month between 11:00Am to 01:00PM.
- c) The applicant shall not leave the State of Goa without the permission of the trial Court.
- d) The applicant shall furnish his contact details and residential address to the trial Court as well as the Investigating Officer and inform of any change.

**4.** The application is disposed of.

**M. S. KARNIK, J.**