

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

CRIMINAL BAIL APPLICATION NO. 2992 OF 2022

Govinda Waluba Keskar

....Applicant

Versus

State of Maharashtra

....Respondent

Mr. Aniket U. Nikam for the Applicant.

Ms. Pallavi N. Dabholkar, APP, for the Respondent-State.

CORAM : G. A. SANAP, J.

DATE : 26th OCTOBER, 2023.

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P.C. :

1. The Applicant/Accused No.1 has made this Application for bail in C. R. No.126 of 2022 registered with Nandgaon Police Station, District – Nashik for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code, 1860 (for short “IPC”).

2. The learned Advocate for the Accused No.1 submitted that the case of prosecution is based on circumstantial evidence. The learned Advocate took me through the record and pointed out that, as

per the case of prosecution, the Accused No.2 was last seen together with the deceased while proceeding on the motorcycle. The learned Advocate submitted that the recovery of mobile of the deceased at the instance of the Accused No.1 may not be a circumstance to reject the bail. Learned Advocate submitted that, considering the nature of the evidence compiled in charge-sheet against the Accused No.1, he is required to be released on bail. Learned Advocate submitted that Accused is ready to abide by the conditions that may be imposed by this Court.

3. Learned APP submitted that the circumstantial evidence relied upon by the prosecution is sufficient to connect the vital dots at this stage to infer the involvement of the Accused No.1 in this crime. The learned APP submitted that the recovery of the mobile of the deceased at the instance of the Accused No.1 is the strong circumstance. The learned APP however submits that the Accused No.1 was not last seen together with the deceased.

4. In this case, there is no direct evidence. The Accused No.1 was not last seen together with the deceased. The Accused No.2 was

last seen together with the deceased. It has come on record in the evidence that the deceased and the Accused No.1 had a dispute with regard to the Agriculture Land and therefore, the deceased was killed. It is seen that the Accused No.1 has no criminal antecedents. He was arrested on 25th May, 2022. The charge-sheet has been filed but as yet charge has not been framed. There is no progress in the trial. On consideration of the material available on records against the Accused No.1 and without further dilating in detail upon the said material, it would be just in proper to grant bail to Accused No.1. The apprehension put forth by the learned APP can be taken care of by imposing appropriate conditions.

ORDER

- i. Bail application is hereby allowed.
- ii. Applicant/accused by name Govind Waluba Keskar,
be released on bail on executing PR and SB of Rs.
30,000/- (Thirty Thousand) or two surety of Rs.
15,000 (Fifteen Thousand).
- iii. Applicant/accused is hereby directed not to
tamper with prosecution evidence.

- iv. Further he is directed not to contact with informant, witnesses, her relatives directly or indirectly.
- v. Applicant shall not enter the limits of Nadgaon Talukha till the conclusion of the trial.

(G. A. SANAP, J.)