



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

38 BAIL APPLICATION NO. 81 OF 2024

MANOJ KISHOR GOSAVI

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Malte Uday S.

APP for Respondent/State : Mrs.Pratibha J. Bharad

...

WITH

BAIL APPLICATION NO. 89 OF 2024

ANITA BABASAHEB @ GANESH GOSAWI @ GIRI

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Malte Uday S.

APP for Respondent/State : Mrs.Pratibha J. Bharad

WITH

BAIL APPLICATION NO. 90 OF 2024

SAURABH CHANDAN GOSAVI

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Malte Uday S.

APP for Respondent/State : Mrs.Pratibha J. Bharad

.....

CORAM : SANJAY A. DESHMUKH, J.

DATED : 2nd FEBRUARY, 2024.

PER COURT :-

1. These applications are filed for granting bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicants are arrested in crime no.I-830 of 2023 registered at

Shrigonda Police Station, Shrigonda, Dist. Ahmednagar, for the offences punishable under sections 302, 201 read with 34 of the Indian Penal Code.

2. Informant, P.S.I. Sampat Kanhere lodged the report that on 25.09.2023, one Police Patil informed him that the dead body of one unknown person in half burnt position is lying. He went there and saw that body of unknown person, who found died and in burnt condition and there were ligature marks and other injuries. Therefore, he lodged the report

3. Later on, it was revealed that the applicants hatched conspiracy to kill the husband of accused no.2 – Anita, who was murdered by these applicants as he was addicted to liquor and harassing and beating entire family.

4. The learned advocate for the applicants submitted that the case is based on circumstantial evidence. The charge-sheet is filed. The applicants have no criminal antecedents. They have roots in the society. They will not flee away from the trial. The trial will take long period. He, therefore, lastly submitted to allow these applications.

5. The learned APP for the State strongly opposed the applications and pointed out that the incriminating articles i.e. bottle of petrol carried for burning the dead body of deceased Babasaheb as well as the motorcycle from which the petrol was taken out were seized. Phone locations are also corroborating the prosecution's case. The place where Babasaheb was thrown and assaulted was also pointed out by her husband. There is prima facie strong evidence against all these applicants. If the applicants are released on bail, they will tamper with the prosecution evidence and pressurize the prosecution witnesses. Considering the serious nature of the crime, it is lastly prayed to reject the applications.

6. Perused the report and the charge-sheet. The case is based on circumstantial evidence. The applicants have roots in the society. The trial would take long period. The applicant will not flee away from the trial. Considering all these aspects, the applications are deserve to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Applications are allowed.
- II. The applicants in connection with crime no.I-830 of 2023 registered at Shrigonda Police Station, Shrigonda, Dist. Ahmednagar, for the offences punishable under sections 302,

201 read with 34 of the Indian Penal Code be released on bail on furnishing personal bond of Rs.25,000/- each with one surety of the like amount by each of them, on following conditions:-

- a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.

(SANJAY A. DESHMUKH, J.)

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