



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 419 OF 2024
WITH CRIMINAL APPLICATION NO. 2670 OF 2024
IN BA/419/2024

Gopinath Balaji Mungal
VERSUS
The State Of Maharashtra

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Advocate for Applicant : Mr. Gangakhedkar Shailendra S
APP for Respondent/State : Mr. S.B. Narwade
Advocate for Complainant : Mr. Anil H. Dhupe

WITH
BAIL APPLICATION NO. 400 OF 2024
WITH CRIMINAL APPLICATION NO. 2672 OF 2024
IN BA/400/2024

Sumit Sanjay Godbole
VERSUS
The State Of Maharashtra

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Advocate for Applicant : Mr. D.S. Ingole h/f Mr. N.S. Ghanekar
APP for Respondent/State : Mr. S.B. Narwade
Advocate for Complainant : Mr. Anil H. Dhupe

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CORAM : S.G. MEHARE, J.

DATED : JULY 23, 2024

PER COURT:-

1. Heard learned counsel for the applicants, learned APP for the State and learned counsel for the complainant.
2. The applicants seek bail in Crime No.122 of 2023 registered with Nanded Rural Police Station, District Nanded for the offence punishable under Sections 302, 386, 120-B, 143, 147, 148, 149, 323 of the Indian Penal Code, Sections 3, 4, 25 and 27 of the

Arms Act, Section 135 of the Maharashtra Police Act and Sections 3(1)(i)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crimes Act ('MCOC Act' for short).

3. Learned counsels for the applicants have argued that the applicants have been falsely implicated in the crime. The FIR was not immediately lodged. It was lodged next day of the incident. The applicants and deceased were friends. The family members of the first informant were knowing each and every accused. At the first hand information given to the PSI while the deceased was admitted to the hospital was that three unknown persons assaulted the deceased. However subsequently, the crime has been registered against nine persons. The presence of the applicants is doubtful on the spot of the incident. The FIR is afterthought. The applicants have no concern with the incident. Barely the statement of the co-accused under Section 18 of the MCOC Act would not help the prosecution to rope the applicant behind bar, because it was recorded subsequent to their arrest. Since there are antecedents to the discredit of the applicants, the police have roped the applicants in the crime. The recovery of the dagger and other weapons at the hands of the applicants is also not voluntary. It was done by the police at their own. Hence, they may be granted bail.

4. Learned APP for the State and learned counsel for the complainant would submit that the applicants have a bad past. They

are the hardened criminals and created a terror in the city of Nanded. The mother of the deceased who took the dead body to the hospital might have disturbed. She did not intimate the police that three unknown persons assaulted the deceased. The prosecution has referred to the statement of the eyewitnesses who are father and brother-in-law of the deceased. They would submit that material evidence has been collected against the applicants. The applicants were involved in the organized crime. The deceased was killed for ransom. Considering their past, they should not be granted bail.

5. Admittedly, at the first hand information, the mother of the deceased intimated to the PSI, who was with her in the hospital that three unknown persons assaulted her son. However, in FIR lodged next day, it has been explained that since they were in grief, next day their son came from another town and then the report was lodged. The statement of the co-accused under Section 18 of the MCOC Act is subsequent to lodging the report. The prosecution is correct that there are no good past of the applicants but the role attributed to the applicants in the crime in which they are seeking bail should be considered. When the family members of the deceased knew the applicants well, there is no possibility of committing mistake in not naming them. The first hand information was against three unknown persons only. Considering the facts and circumstances of

the case in toto and the material placed on record, the applicants appears to have good case for bail. Hence, the following order :

ORDER

- (i) Both Bail Applications are allowed.
- (ii) Applicants, Gopinath Balaji Mungal in Bail Application No.419 of 2024 and Sumit Sanjay Godbole in Bail Application No.400 of 2024, be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of the like amount each in the above crime, on the conditions that;
 - (a) The applicants shall report to the PSO, Nanded Rural Police Station on every Monday of each month between 03.00 pm to 06.00 pm till the conclusion of the trial.
 - (b) The applicants shall not involve in the identical offences.
 - (c) The applicants shall furnish their cell phone numbers and residential proof to the investigation officer with an undertaking that they would not change it till the trial is concluded.
 - (d) The applicants shall not leave Nanded without the leave of the Court till the trial is concluded.
- (iii) Criminal Application Nos.2670 of 2024 and 2672 of 2024 stand disposed of.

(S.G. MEHARE, J.)