

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

CRIMINAL BAIL APPLICATION NO.4192 OF 2024

Nihal Satpal Gosavi

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Satyavrat Joshi i/by Ms. Disha Rathod, Advocate for the Applicant.
Mr. C.D. Mali, APP for Respondent- State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 15th October 2024

P. C.

1. Heard Mr. Joshi, learned Counsel appearing for the Applicant and Mr. Mali, learned APP appearing for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C.R. No.	192 of 2023
2.	Date of registration of F.I.R.	17th May 2023
3.	Name of Police Station	Kavathe-Mahakal Police Station, District-Sangli.
4.	Section/s invoked	302, 120B, 364, 201, 34 of <i>Indian Penal Code, 1860</i> ; 4 and 25 of the <i>Arms Act. 1959</i> .
5.	Date of incident	8th May 2023
6.	Date of arrest	17th May 2023
7.	Date of filing Charge-sheet	10th August 2023

3. As per the prosecution, the case is of circumstantial evidence. The F.I.R. has been lodged on the basis of information provided by

Applicant/Accused No.1 - Nihal Satpal Gosavi. Said Nihal Gosavi was of the opinion that his aunt-Gauri Gosavi was in a relationship outside of marriage and therefore, he was objecting to the same and believed that due to this relationship, the reputation of his family was being tarnished.

4. According to the prosecution case, due to this, the Applicant/Accused No.1 - Nihal Gosavi killed his aunt-the deceased. It is the further case of the prosecution that the Accused No.2 has helped Accused No.1- Nihal Gosavi in committing the crime.

5. Mr. Joshi, learned Counsel appearing for the Applicant submitted that the co-Accused i.e. Accused No.2 has been granted bail by this Court by Order dated 28th February 2024 passed in Bail Application No.694 of 2024. He submitted that entire case is based on circumstantial evidence. He submitted that the Applicant is only 21 years old and that there are no other antecedents. He submitted that therefore the Applicant be released on bail.

6. Mr. Mali, learned A.P.P. strongly opposed the Bail Application. He submitted that there is recovery of dead-body, knife, other weapons and clothes at the instance of the present Applicant. He therefore submitted that the Bail Application be rejected.

7. However, this is a case of circumstantial evidence. *Prima facie* except said recovery, there is no other evidence.

8. In this case, investigation has been completed and Charge-sheet has been filed on 10th August 2023. As per the Charge-sheet, there are 45 witnesses proposed to be examined by the prosecution. The trial is likely to take a considerably long time.
9. The Applicant does not appear to be at risk of flight.
10. The Applicant does not have any criminal antecedents.
11. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant- Nihal Satpal Gosavi be released on bail in connection with C. R. No.192 of 2023 registered with the Kavathe-Mahakal Police Station, District- Sangli on his furnishing P. R. Bond of Rs.25,000/- with one or two sureties in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Kavathe-Mahakal, Dist.- Sangli Police Station on every Sunday between 11.00 a.m. and 1.00 p.m.
- (d) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the

facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, uninfluenced by the observations made in this Order.

(MADHAV J. JAMDAR, J.)