

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.322 OF 2024

1. Arun Ganpat Gosavi
2. Shankar Dhondu Waghmare
3. Shantaram @ Santya Ganpat Gosavi ...Applicants
Versus
The State of Maharashtra ...Respondent

Mr. Nitin Sejpal a/w Mrs. Pooja N. Sejpal & Ms. Akshata B. Desai,
for the Applicants.

Ms. Veera Shinde, APP, for the Respondent-State.

Mr. Nilesh Mohan Wani, Police Constable (HC-1378), Neral Police
Station, Raigad, present.

CORAM : MADHAV J. JAMDAR, J.
DATED : JANUARY 30, 2024

P.C.:

1. Heard Mr. Sejpal, learned Counsel appearing for the Applicants and Ms. Shinde, 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.	08 of 2023
2	Date of registration of F.I.R.	20/01/2023
3	Name of Police Station	Neral Police Station, Raigad
4	Section/s invoked	302, 201 r/w 34 of the <i>I.P.C., 1860</i>
5	Date of incident	20/01/2023

6	Date of arrest	20/01/2023 (Applicant Nos.1 & 2) and 19/05/2023 (Applicant No.3)
7	Date of filing Charge-sheet	18/04/2022

3. As per the prosecution case, son of Accused No.1-Arun Ganpat Gosavi has died about one month ago and the Accused No.1 suspected that his son died due to black magic performed by deceased-Sharad Laxman Gosavi. Therefore the Applicant No.1 has killed the deceased by stabbing the deceased in his stomach with a knife and the Accused No.3 inflicted a blow near the eye of the deceased with a stone. The Accused Nos.2 and 3 have played a role in disposing of the mortal remains of the deceased.

4. It is the contention of Mr. Sejpal, learned Counsel appearing for the Applicants that the case is of circumstantial evidence. There is no eye-witnesses. He submitted that Charge-sheet has already been filed on 18th April 2022 and therefore the Applicants be enlarged on bail.

5. On the other hand, Ms. Shinde, learned APP submitted that there is a recovery of weapons, stones and pieces of burnt blood-stained clothes at the instance of the Applicants. She submitted that in view of the facts and circumstances of the case, the Applicants may not be enlarged on bail.

6. Perusal of the Charge-sheet shows that the case is of

circumstantial evidence. There is no eye-witness. Except recovery of knife, stones, brunt clothes and one bamboo stick, there is no other recovery.

7. The Accused Nos.1 and 2 have been arrested on 20th January 2023 and the Accused No.3 has been arrested on 19th May 2023. There is no progress in the trial and charge is also not framed yet.

8. It is an admitted position that investigation has been completed and that Charge-sheet has been filed on 18th April 2022. There are 19 witnesses as per the Charge-sheet proposed to be examined by the Prosecutor. The trial is unlikely to conclude any time soon and is likely to take a considerably long time. The Applicants do not have any criminal antecedents.

9. The Applicants do not appear to be at risk of flight.

10. Accordingly, the Applicants can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant No.1-Arun Ganpat Gosavi, Applicant No.2-Shankar Dhondu Waghmare and Applicant No.3-Shantaram *alias* Santya Ganpat Gosavi be released on bail in connection with C. R. No.08 of 2023 registered with the Neral Police Station, District-Raigad on their furnishing P. R. Bond of Rs.25000/- each with one or two sureties in the like amount.

- (b) On being released on bail, the Applicants shall furnish their cell phone numbers and residential addresses to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicants shall report to the Neral Police Station, District-Raigad on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (d) The Applicants 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 Applicants shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses in any manner.
- (f) The Applicants shall attend the trial regularly. The Applicants shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) The Applicants shall surrender their passports, if any, to the Investigating Officer.

11. The Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]