



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

CRIMINAL APPEAL NO. 96 OF 2024

HARSHVARDHAN B. GODSE	.. APPELLANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Mr. Omkar Chitale a/w Ms.Varsha Bhosale, for the appellant.
Ms. Meghna Gowalani, for Respondent No.2.
Ms. Megha Bajoria, APP for the State.
PSI-Sonawane Rakesh, Pawai police station present.

CORAM : M. S. KARNIK, J.

DATE : MARCH 5, 2024

JUDGMENT :

1. This is an appeal for bail in respect of the offence punishable under sections 302, 34 of the Indian Penal Code along with sections 3(2)(5) and 6 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the Atrocities Act") registered on 01/08/2023 vide C.R. No.444 of 2023 registered with Powai police station, Mumbai.

2. There are in all 3 accused. The appellant is the accused no.3. The appellant was arrested on 06/08/2023.

3. Learned APP and learned counsel for the respondent no.2 opposed the appeal.

4. The FIR is registered on 01/08/2023. The date of the incident is 31/07/2023. The appellant is the accused no.3. Accused nos.1 and 2 had some grudge against the deceased Kishor. The materials on record reveal that the accused nos.1 and 2 decided to get even with Kishor. Accordingly, they went to one place where Kishor was seen. The accused nos. 1 and 2 assaulted him with a koyta. Kishor succumbed to the injuries. The role against the present appellant is that he was riding the motorcycle on which one of the assailant was a pillion rider. The appellant was present at the scene of the offence. But the question is that whether he shared a common intention with the accused no.1 in commission of offence. This will be the subject matter of trial. The appellant is not the assailant. The appellant was arrested on 06/08/2023 and now in custody for almost 7 months. The investigation is complete. The charge-sheet has been filed. In the facts and circumstances of the present case, considering the role of the appellant, I am inclined to enlarge the appellant on bail.

The appellant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The appeal is allowed.
- (b) The appellant-Harshvardhan B. Godse in connection with C.R. No. 444 of 2023 registered with Powai police station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The appellant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 6 weeks in lieu of surety.
- (d) The appellant shall attend the investigating officer of Powai police station once in three months on every first Monday of the concerned month commencing from April 2024 between 11.00 a.m. and 1.00 p.m.
- (e) The appellant 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 him from disclosing the facts to Court or any Police Officer. The appellant shall not tamper with evidence.
- (f) On being released on bail, the appellant shall furnish his contact number and residential address to the

Investigating Officer and shall keep him updated, in case there is any change.

(g) The appellant shall attend the trial regularly. The appellant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

5. The appeal is disposed of.

6. I appreciate the valuable assistance rendered by Ms. Meghna Gowalani the learned Advocate, who appeared on behalf of respondent No.2 at my request in this proceeding. Her engagement be regularized by the Maharashtra State Legal Services Authority.

(M. S. KARNIK, J.)