



Diksha Rane

4. BA 1338-23.doc

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

BAIL APPLICATION NO.1338/2023

SANTOSH HARIBHAU BARHMNE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
BAIL APPLICATION NO.1487/2023**

GOPAL NIMBA BORGULE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
BAIL APPLICATION NO.1227/2023**

VISHAL SADANAND PINGALE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Nitin Gaware Patil a/w. Adv. Anandmaya Dhorde, Adv.
Shantanu Kolhe for the applicants.

Smt. Megha Bajoria, APP for the State.

PSI D. M. Lokhande, Yeola City Police Station, Nashik Road.

CORAM : M. S. KARNIK, J.

DATE : MARCH 14, 2024.

P.C. :

BAIL APPLICATION NO.1338/2023

1. Learned counsel for the applicant- Santosh Haribhau Barhmne, on instructions, seeks leave to withdraw this application with liberty to apply after six months.
2. The application is allowed to be withdrawn with liberty to apply after some time depending upon the progress of the trial.
3. The application is disposed of accordingly.

BAIL APPLICATION NO.1487/2023 AND BAIL APPLICATION NO.1227/2023

4. Heard learned counsel for the applicants and learned APP for the State.
5. These are the applications for bail in respect of the offence punishable under Sections 302, 307, 120-B, 212, 201 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with 3 and 25 of the Arms Act, registered on 6/7/2022 vide C.R. No.198/2022 with Yeola City Police Station, Nashik.
6. The deceased was a Sufi Saint. He had many

properties. It is the prosecution case that the brother of the deceased i.e. co-accused Abdul Gaffar Kurban Khan was interested in those properties. Abdul Gaffar Kurban Khan planned the killing of the deceased. While the deceased was in a car, four persons came on a motorcycle which includes the applicants - Vishal Pingale and Gopal Hatkar. The accused no.5 Santosh is alleged to have fired at the Sufi Saint.

7. The bail application bearing No. 1338/2023 of the accused no.5 Santosh Haribhau Brahmne is withdrawn by a separate order passed today.

8. So far as the present applicants - Vishal Pingale and Gopal Hatkar are concerned, the only material available against them is recovery of the bike from the applicant - Gopal Hatkar. The role of shooting is attributed to the accused no.5 - Santosh Brahmne. There is no recovery from the accused no.6 Vishal Pingale.

9. Learned APP while opposing the applications for bail submitted that the accused no. 5 - Santosh, present applicants Vishal Pingale and Gopal Hatkar shared a common intention as they were seen together on a bike in

the C.C.T.V. footage of one shop on the date of the incident. There is one offence registered under the Arms Act after the commission of the present offence which resulted in the arrest of the applicants in the present case as well.

10. The applicants were arrested on 8/8/2022 and are in custody for more than one year and six months with no possibility of the trial concluding any time soon. The applicants do not appear to be a flight risk. Whether the applicants shared a common intention with the accused no.5 Santosh in committing the offence under Section 302 of the IPC will be a subject matter of the trial in the facts and circumstances of the present case.

11. Having regards to the materials on record, despite the opposition by learned APP, I am inclined to enlarge the applicants Vishal Pingale and Gopal Hatkar on bail. The investigation is complete. The charge-sheet has been filed. Hence, the following order :-

ORDER

(a) The applications are allowed.

(b) The applicants (1) Vishal Sadanand Pingale and (2) Gopal Nimba Borgule in connection with C.R. No.198/2022 registered with Yeola City Police Station,

Nashik, shall be released on bail on their furnishing P.R. Bonds of Rs.25,000/- each with one or more local sureties each in the like amount.

(c) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicants shall not enter Yeola Taluka after being released on bail, till the trial concludes.

(d) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the Investigating Officer of Yeola City Police Station, Nashik, while residing outside Yeola Taluka and shall keep him updated, if there is any change and shall report on the first Monday of every month starting from April, 2024 to the nearest Police Station close to their residences between 11.00 a.m. and 1.00 p.m. while residing outside Yeola Taluka, till the trial concludes.

(e) 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 him from disclosing the facts to Court or any Police Officer. The applicants shall not tamper with evidence.

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

(g) The applicants shall surrender their passport to the investigating officer.

12. The applications are disposed of.

(M. S. KARNIK, J.)