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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPEAL NO. 1172 OF 2023**

Gopichand K. Bhandari ...Appellant
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Aniket Vagal a/w. Mr. Kunal N. Pednekar, Divesh Mehani and
Savvy Kolhekar for the Appellant.
Mr. S.V. Gavand, APP for the Respondent/State.

CORAM : N. R. BORKAR, J.
DATE : 20 JANUARY 2024.

PC:-

1. The appellant who came to be arrested in C.R. No. I-25 of 2020 registered at Igatpuri Police Station for the offences punishable under Sections 302, 323 of the Indian Penal Code (IPC) and Sections 3(ii)(v) and 3(ii)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 had filed an application for bail before the Trial Court. The trial Court rejected the said bail application by order dated 12 May 2021. Hence, this appeal under Section 14A of the SC & ST Act.

2. It is the case of the prosecution that on 19 March 2020, the present appellant and other co-accused came to the house of the deceased and started abusing him on account of some financial dispute. It is alleged that when the deceased came out of his house they assaulted him by knife and committed his murder.

3. I have heard the learned Counsel for the appellant and the learned APP for the State.

4. The learned Counsel for the appellant submits that inspite of the order of this Court dated 8 March 2023 in Criminal Bail Application No. 2144 of 2022 filed by the appellant to conclude the trial as early as possible, the trial is still at the stage of framing of charge. It is submitted that the appellant is in jail for about 4 years and there are no other criminal antecedents. It is submitted that even otherwise the witnesses have attributed the same *overt-act* to the co-accused Bhushan Mali, to whom the trial Court has granted bail. It is submitted that the appellant be thus released on bail.

5. On the other hand, the learned APP for the State submits that considering the nature of offence, the appellant may not be released on bail.

6. I have perused the statement of witnesses. They have attributed the same *overt-act* to the present appellant and co-accused Bhushan Mali. Considering the overall facts and circumstances, I am inclined to release the appellant on bail. Hence, the following order is passed :

ORDER

(i) Criminal Appeal is allowed.

(ii) The appellant be released on bail in C.R. No.I-25 of 2020 registered at Igatpuri Police Station for the offences punishable under Sections 302, 323 of the IPC and Sections 3(ii)(v) and 3(ii)(va) of the SC & ST Act on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)