



Diksha Rane

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

BAIL APPLICATION NO.3713 OF 2023

LAXMAN LAHANU GODASE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Aniket Vagal a/w. Adv. Kunal N. Pednekar, Adv. Divesh Mehani, Adv. Savvy Kolhekar for the applicant.

Mr. S. A. Karmakar, APP for the State.

PN 1550, B. R. Binnar, Ghoti Police Station.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 21, 2024.

P.C. :

1. Heard learned counsel for the applicant.
2. Learned APP for the State opposed the application for bail contending that the offence is serious and the applicant has been assigned a specific role by the witnesses.
3. This is an application for bail in respect of the offence punishable under Sections 302, 307, 397, 341, 326, 324, 323, 143, 147, 148, 149, 109 of the Indian Penal Code and Sections 37(1)(3) read with 135 of the Maharashtra Police Act registered on 25/06/2023 vide C.R. No.283 of 2023 with Ghoti Police Station.

4. There are in all 14 accused. The applicant is accused No.1. It is the case of the prosecution that the complainant and his friend Afan were travelling to Mumbai from Ahmednagar in a Swift car bearing registration No. MH-02-BJ-6525. The accused followed the Swift car. There was cow meat in the car. The accused, therefore, intercepted the car. The informant and the deceased were dragged out of the car and the accused started assaulting them with wooden logs and iron rods. The deceased - Afan was severely injured on his head and other parts of the body. He succumbed to the injuries.

5. So far as the applicant is concerned, there is recovery of wooden log at his instance. The log which is recovered, is not blood stained. At page 144 there is a statement of an eye witness. The version of the eye witness reveals that the car belonging to the deceased was chased by the present applicant and the other accused. The version of the eye witness would reveal that the actual assault is not attributed to the present applicant.

6. So far as the injured witness is concerned, his statement was recorded on 31/7/2023. The date of the

incident is 24/6/2023. The injured witness in his statement though makes a reference to the person in coloured clothes which is supposedly the applicant but attributes assault to some other accused. The supplementary statement of the witness was recorded on 19/8/2023. The injured witness did not identify the applicant in the test identification parade which was held one month after the statement was recorded. After the injured witness failed to identify the applicant, it is stated in the supplementary statement that he later realized that the person who dragged them out from the car, tied their hands and legs, assaulted them with fists and kicks blows, was the applicant.

7. The applicant was arrested on 25/6/2023. The investigation is complete. The charge-sheet has been filed. According to learned counsel for the applicant, there are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. Though the application is vehemently opposed by learned APP, in the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Laxman Lahanu Godase in connection with C.R. No.283/2023 registered with Ghoti Police Station, Nashik, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Ghoti police station, Nashik, once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m. till the trial concludes.
- (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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- (f) The applicant shall attend the trial regularly.
- (g) The applicant shall surrender his passport to the investigating officer.

8. The application is disposed of.

(M. S. KARNIK, J.)