



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

121 BAIL APPLICATION NO. 531 OF 2025

VIKRAM @ VIKYBABA SHAMRAO GOYAR

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Rahul R. Karpe

APP for Respondent/State: Mr. D. J. Patil

Advocate for Assist to PP :

Mr. G. R. Syed h/f. Mr. Pawan B. Pawar

...

WITH

CRIMINAL APPLICATION NO. 1592 OF 2025

IN BA/531/2025

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 23.06.2025

P.C. :

1] Criminal Application No.1592 of 2025 is allowed in terms of prayer clause "B".

2] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the assist to public prosecutor.

3] The applicant is seeking bail as he was arrested on 04.08.2017 in connection with Crime No.0150/2017, registered with Dhule City Police Station, District Dhule, for

the offences punishable under Sections 302, 120-B, 143, 147, 148, 149, 212, 201, 504, 506 of the IPC and under Sections 3/25, 4/25 and 7/27 of the Arms Act and under Sections 3(1)(i), 3(1)(ii), 3(2), 3(3) & 3(4) of the MCOC Act.

4] The learned counsel for the applicant submits that in second bail application bearing BA/2099/2024, filed by the co-accused Vijay Shamrao Goyar @ Bada Papa, whose alleged role is exactly identical to the role of the present applicant has been granted bail by this court on the ground of merits, so also, delay. This court at paragraph no.13, observed as under:

“13. Perused the charge sheet. On perusal of the charge sheet, it appears that the applicant’s name is mentioned in the F.I.R. That he assaulted Guddya by sword. No any other witness has stated that this applicant has assaulted Guddya by sword. It appears that the said sword is not seized at the instance of the present applicant. The C.A. report which is filed on record shows that the applicant is similar person, who is seen in the CCTV footage. In the CCTV footage twin brothers Vilas Shamrao @ Chhota Papa is found with Pistol. When the investigating officer, who was present in the court, was questioned, he could not point out as to where is this applicant holding the sword and assaulted Guddya. It is surprising to note that generally description of the CCTV footage as well as confronting the CCTV footage to the witnesses for asking as to who are appearing in the CCTV footage is part and parcel of the investigation. In this case, details of the CCTV footage panchanama is not drawn. Learned counsel for the applicant therefore, rightly pointed out that the applicant is falsely implicated in the said case. This aspect was not pointed out while earlier application for bail was

argued and decided. The C.A. report is not yet filed in the trial court. It was filed before this court yesterday during the course of hearing of this application. About which no any decision was taken while refusing bail by this court. This is certainly a change in circumstance. Further the trial is proceeding with snail's speed and it will take years together if it is going with such a speed. The directions of this court are not followed by the Special Sessions Judge."

5] The learned counsel for the applicant submits that identically the applicant, there is no recovery, although, it is stated that he has assaulted by means of sword. The learned counsel for the applicant submits that the applicant is not seen in the CCTV footage, which is not disputed by the learned APP. It is also noted that there are in all 91 witnesses and only 3 were examined. The applicant is in jail for a period of about 8 years and there is no possibility of the trial being concluded in near future.

6] The learned counsel for the assist to public prosecutor has also not been able to demonstrate any distinguishing feature with the applicant vis-a-vis the case of the Vijay.

7] Considering these aspects of the matter and that the order dated 17.01.2025 passed in BA/2099/22024, this court would be constrained to grant bail to the present applicant.

However, it is made clear that in case the order dated 17.01.2025, passed in in BA/2099/2024 is set aside at any time in future, it would be open for the prosecution to file an appropriate application to recall the order.

8] The present bail application is allowed on the same terms and conditions as noted in the order dated 17.01.2025, passed in Bail Application No.2099 of 2024.

[ARUN R. PEDNEKER]
JUDGE

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