



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2297 OF 2024

Gurumukhsing @ Guri Sevasing Gill
Age : 25 years, Occupation : Business,
R/o : Gate No. 6 Shahidpura, Nanded.

... Applicant

Versus

The State of Maharashtra,
Through Police Station Vimantal,
Nanded.

... Respondent

**WITH
BAIL APPLICATION NO. 2177 OF 2024**

Satnamsingh @ Satta Dalbir Singh Shergil
Age : 35 years, Occupation : Labour,
R/o. Shahidpura, Gurudwara Gate No. 6,
Nanded, Taluka and District Nanded.

... Applicant
[Orig. Accused No.4]

Versus

1. The State of Maharashtra,
Through Officer In Charge,
Police Station Vimantal,
Nanded, District Nanded.

2. The Superintendent of Police,
Nanded, District Nanded.

... Respondents

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Mr. Gautam J. Pahilwan, Advocate for the Applicant in Bail
Application No. 2297 of 2024.

Mr. Sudarshan J. Salunke, Advocate for the Applicant in Bail
Application No. 2177 of 2024.

Mr. P. K. Lakhotiya, APP for Respondent-State in both Bail
Applications.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 04.03.2025

Pronounced on : 13.03.2025

ORDER :

1. Instant regular bail applications by both applicants are in consequence to their arrest in crime no. 0119 of 2022 registered at Vimantal Police Station, District Nanded for offence under Sections 302, 307, 120-B, 201 r/w 34 of IPC, Sections 3/25, 27(2) of the Arms Act and Sections 3(1)(i), 3(2) and 3(4) of Maharashtra Control of Organised Crime Act, 1999 (MCOC Act).

2. Applicant Gurumukhsing is being represented by Advocate G. J. Pahilwan, whereas applicant Satnamsingh is represented by Advocate S. J. Salunke. Pointing to the date of arrest of applicants as 01.06.2022, both learned counsel submitted that, applicants are arrested on account of murder of one Sanjay Biyani. Learned counsel pointed out that, case of prosecution is that, conspiracy was hatched for extortion, and contract to kill was awarded. Learned counsel submitted that applicants are co-accused. Investigation merely revealed that applicants were assigned duty of engaging more accused and paying them to take care of the main assailant for execution of the conspiracy. Thus, according to learned counsel, they are not directly involved in the murder. Learned counsel further

submitted that out of in all sixteen accused, four are granted bail either by this Court or trial court, i.e. co-accused Sarhan Bin Ali Alkaseri, Karanjitsingh Raghbirsingh Shahu, Kamalkishor Ganeshlal Yadav and Gurupritsingh @ Danya @ Soni s/o Gulzarsingh Khaira. Therefore, according to learned counsel, considering the role assigned to the applicants, they too deserve enlargement on the ground of parity.

3. Above application is strongly opposed on the ground that now, though investigation is over and chargesheet is filed, trial has already commenced and as many as 47 witnesses are already examined. Learned APP further pointed out that, learned trial court is recording evidence at least thrice a week. That, earlier bail application of applicant Gurumukhsing was withdrawn after disinclination of this Court to grant relief. Learned APP pointed out that main accused Harvindarsing Sandhu is still at large and is absconding. That, there is strong incriminating evidence of involvement of present applicants from none other than accused no.10 Harish defining and crystallizing roles of all accused persons including the present applicants.

4. Heard. Perused the FIR dated 05.04.2022. Wife of deceased Sanjay Biyani has lodged report on 05.04.2022 about her husband

being shot in front of their house while he was alighting from the car after reaching home. Driver also was shot at. She claims that after hearing gun shots, when she, her daughter and son-in-law came out of the house, she saw her husband lying injured near the car and driver Ravi Savta, who too was injured, informed that two persons came on Pulsar motorcycle and fired 10 to 12 rounds at him as well as his employer deceased Sanjay.

5. Investigation was carried out and summary of the charge sheet defines roles of all 16 accused persons including present applicants, i.e. accused nos.4 Satnamsingh and accused no.6 Gurumukhsing. As against Satnamsingh and Gurumukhsing, case of prosecution is that, at the instance of accused Hardipsing @ Hardi @ Lucky Babansing Saupre, both applicants deployed new members in the criminal conspiracy, kept them in Joshi Lodge Room No. 103 and provided needs of main assailant accused Sunil @ Dipak. At least such material is reflected in the summary of the charge sheet.

6. Apart from above submissions of no main role or overt act being attributed, second ground pressed into service by learned counsel for both applicants is that, there are over 100 witnesses and even half of the witnesses are also not examined, and therefore,

conclusion of trial is uncertain. As regards ground of parity is concerned, accused Karanjitsingh Raghbirsingh Shahu, who is shown as accused no. 7 and is beneficiary of bail in Bail Application No. 595 of 2023, is shown to be similarly situated as the role attributed to him is also regarding providing care and for security of accused Sunil @ Dipak in Joshi Lodge.

7. Consequently, in the light of above discussion, though trial has commenced and 47 witnesses are examined, learned APP does not deny that prosecution is intending to examine 118 witnesses more. Both applicants are behind bars since June 2022. Therefore, considering the role assigned to them and the above discussion, they both also deserve relief of bail on similar conditions. Hence, I proceed to pass the following order:

ORDER

I. Both the applications are allowed.

II. Applicants Gurumukhsing @ Guri Sevasing Gill and Satnamsingh @ Satta Dalbir Singh Shergil, be released on bail in connection with Crime No. 0119 of 2022 registered at Vimantal Police Station, District Nanded, on executing PB and SB of Rs. 1,00,000/- each, with one or two solvent sureties of Rs. 50,000/- each, on the following conditions :

[a] The applicants shall not tamper prosecution evidence in any manner.

[b] The applicants shall not use any mobile handset either in their own name or in the name of their close relatives till conclusion of trial.

[c] The applicants shall not contact any co-accused till conclusion of trial.

[d] The applicants shall not leave Nanded town without intimation to the concerned Investigating Officer of P.S.O. till conclusion of trial.

[e] The applicants shall attend the trial on each effective date.

III. Needless to state that that the observations in this order are *prima facie* restricted to bail. The trial court should not get influenced by the observations during trial.

[ABHAY S. WAGHWASE, J.]

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