

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 479 OF 2024

Govind @ Govindya Vital Madhe

... Appellant

Versus

State of Maharashtra and Anr.

... Respondents

.....

Ms. Sana Raees Khan a/w. Mr. Sumit Sharma and Ms. Neha Balani,
Advocates for the Appellant.

Mr. Shrikant H. Yadav, APP for the State.

Adv. Annie Cardoz a/w. Ms. Minal Chandnani (Thr. V.C.), i/b. Jaiwant
Chandnani & Associates, Advocates for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATED : 27th MARCH, 2025.

P. C. :

1. The bail application of the appellant is rejected by the learned Special Court. The appellant is seeking regular bail in C.R.No. 142 of 2021 registered with Ghodegaon police Station for the offence punishable under Sections 302, 143, 147, 148, 149, 326, 325, 324, 504, 506 of Indian Penal Code, 1860 and under Sections 3(2)(v), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and under Section 135 of the Maharashtra Police Act.

2. It is prosecution's case that on 27.06.2021, when first informant and

his friend were present on construction site of Vasant Ubhe, at that time, co-accused and four unknown persons assaulted the first informant and his friend. In the said assault, the first informant got severally injured and died while taking treatment. It is alleged that the appellant was part of group who assaulted the first informant.

3. It is contention of learned counsel for the appellant that appellant's name was not mentioned in FIR. The appellant is behind bar around 4 years. The police has filed report under Section 169 of Cr.P.C., in respect of two co-accused, Aniket Gholap and Suraj Gholap, whose names are mentioned in FIR. Test Identification Parade of unknown persons has not conducted. The allegations against the appellant are that his name is mentioned by accused No.1 and police has recovered rod and sickle used in the crime at his instance. Learned counsel further submitted that the co-accused against whom same allegations are leveled, have been released on bail, hence requested to allow the appeal, on principle of parity.

4. It is contention of learned APP and learned counsel for respondent No.2 that the appellant and co-accused assaulted the deceased with sharp weapon and murdered him. The weapon used in the crime are recovered at the instance of the appellant. If the appellant released on bail, he may abscond or threaten the prosecution witnesses, hence requested to dismiss the appeal.

5. I have heard all the learned counsel. Perused chargesheet. The name of the appellant was not mentioned in FIR. The allegations against him are that at his instance the sickle and rod used in the crime are recovered. The evidentiary value of recovery panchnama can be considered at the time of trial. The appellant is behind bar around four years. There is no progress in the trial. The other co-accused have been released on bail having same allegations. Considering these fact, I pass following order.

ORDER

- i. The appellant be enlarged on bail in C.R.No. 142 of 2021 registered with Ghodegaon Police Station, on executing P.R.Bond of Rs. 50,000/- on furnishing one or two sureties of the like amount.
- ii. The appellant shall attend the concerned police station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- iii. The appellant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- iv. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.

6. The Appeal is allowed in the aforesaid terms and is accordingly disposed of.

7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)

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SATISH
KILAJE

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by SONALI
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