

Andreza



IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION (BAIL) NO. 452 OF 2026 (F)

Sharanbasu Alias Chempya Buddappa Gaikwad ... Applicant
 Versus

The State of Goa, Thr. The Police Inspector, ...Respondent
 Mapusa Police Station, North Goa.

Ms Sana Khan, Advocate *for the Applicant.*

Ms Swati Kamat Wagh, Additional Public Prosecutor *for the Respondent-State.*

CORAM: DR. NEELA GOKHALE, J.

DATE: 6th MAY 2026

P.C.

1. The Applicant seeks his release on bail in connection with FIR No. 91/2024, dated 30th May 2024, registered with Mapusa Police Station, North Goa, for offences punishable under Sections 326 and 506(ii) read with Section 34 of the Indian Penal Code, 1860 ('IPC'). Thereafter, one of the victims died, and Sections 302, 307, 120-B, 212 and 201 of the IPC were also added.

2. There are, in all, nine accused. The Applicant is the Accused no. 5.

3. In brief, the prosecution's case is that there was enmity between two groups of boys, stemming from a relationship between a girl from one group

and a boy from another. On the fateful day, i.e., 29th May 2024, when one of the victims, namely Sandesh Bhagwan Salkar, went to Ahemad Devdi's (i.e., the deceased) garage at 19.30 hours, he did not find the deceased there. Only the deceased's relatives were present. Thereafter, Sandesh went to the deceased's house, met him, and they went to the garage. While they were returning, five accused, including the present Applicant, were present near the water tank and restrained Sandesh and the deceased from proceeding further. One co-accused, called RK, shook hands with Sandesh and the deceased, then grabbed the deceased's collar and began assaulting him. He called the co-accused Manthan, Nagya, and Champya (i.e., the Applicant), and another accused, Killedar. Manthan was holding a knife. Manthan and Killedar caught hold of Sandesh's shirt and began assaulting him. Thereafter, they all hit Ahemad with kicks, fist blows and iron rods. RK sat on Ahemad's chest and continued to hit him. Manthan also struck Ahemad on the face, and all of them assaulted Ahemad on the head with an iron rod. Ahemad pleaded with them not to beat him, but none of them paid any heed, and ultimately Ahemad died. Sandesh was also badly assaulted by them. Manthan hit Sandesh with an iron rod and kicked him in the stomach and chest, after which Sandesh became unconscious. When he regained consciousness, he found himself at the hospital, and thereafter he was shifted to the Goa Medical College Hospital, Bambolim. Ahemad was in a bad state and

thereafter died. Mr. Keshar Devdi, the deceased's father, made the complaint pursuant to which an FIR was registered.

4. The Applicant made an application seeking bail before the Sessions Court, North Goa, Mercês. However, by an order dated 10th September 2025, his bail application was rejected. Hence, he is before this Court for the reliefs as prayed.

5. Ms. Sana Khan, learned Counsel appearing for the Applicant, states that no role has been attributed to the Applicant. Admittedly, the Applicant was present at the spot, but the statement of the injured person, namely Sandesh, recorded under Section 164 of the Cr.P.C., clearly reveals that it was the other co-accused, whose names have been specifically mentioned, who assaulted the injured victim Sandesh as well as the deceased Ahemad. There is no material on record to indicate that the Applicant was also responsible for assaulting the deceased and the injured victim, namely Sandesh. Ms. Sana Khan, learned Counsel, also states that the trial has not commenced to date and that there are as many as 53 witnesses intended to be examined by the prosecution. The trial is unlikely to conclude in the foreseeable future. In these circumstances, Ms. Sana Khan, learned Counsel, states that the Applicant be enlarged on bail.

6. *Per contra*, Ms Swati Kamat Wagh, learned Additional Public Prosecutor, states that the offence is serious. A person has lost his life. The statement of the injured victim, Sandesh, has been recorded under Section 164 of the Cr.P.C. That statement clearly reveals the Applicant's presence at the time of the assault. She submits that the scooter used by the co-accused was also registered in the Applicant's name, and that the Applicant was part of the conspiracy to kill the deceased and injure his friend Sandesh. In these circumstances, Ms. Swati Kamat Wagh prays that the application be rejected.

7. I have heard the counsel for the respective parties and perused the records with their assistance. I have also perused the statement of Sandesh, the injured victim, recorded under Section 164 of the Cr.p.c. It appears from the statement that the Applicant was present at the time of the incident; however, the entire statement does not attribute any specific role to the present Applicant. Sandesh has clearly named other co-accused, such as Babu Bhalekar, Shridhar, Manthan, Abhishek, Sunny, Nagya and Killedar, who have assaulted the deceased and Sandesh by various modes. One co-accused has sat on the chest, and other co-accused have assaulted with kicks, blows, knuckles and iron rods. However, no specific role is attributed to the present Applicant. There is no other material indicating the Applicant's presence at the scene of the crime. The Applicant has been in custody since 30th May

2024, and the recording of evidence has not yet commenced. In these circumstances, specifically since no specific role is attributed to the present Applicant, at this stage I am inclined to enlarge the Applicant on bail on stringent conditions. It is ordered accordingly, as under:

ORDER

- i) The Applicant Sharanbasu Alias Chempya Buddappa Gaikwad be enlarged on bail in connection with C.R. No. 91 of 2024 registered with the Mapusa Police Station, Goa, on furnishing a P.R. Bond in the sum of Rs.50,000/- with one or two solvent sureties in the like amount to the satisfaction of the District and Sessions Court, Tiswadi, Mercas;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned on the first Monday of each month between 11:00 a.m. and 02:00 p.m.;
- iv) If the Applicant holds a passport, he shall deposit the same, if not already deposited, with the Police Station concerned;
- v) The Applicant shall not leave India without the permission of the Trial Court;

vi) The Applicant shall inform his latest place of residence and contact number immediately after being released, and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

vii) The Applicant shall not directly or indirectly tamper with the prosecution evidence and/or attempt to influence or contact the Complainant, witnesses or any person acquainted with the facts of the case, to dissuade such a person from disclosing the facts to the Court or any Police personnel.

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. The application is allowed on the above terms and is accordingly disposed of.

9. It is made clear that the Applicant is enlarged on bail only on the basis of the role attributed to him in the statement of the injured victim recorded under Section 164 of the Cr.P.C., and that the observations made herein are *prima facie* and confined to this Application, leaving the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

10. This Order will be digitally signed by the Senior Private Secretary/Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

DR. NEELA GOKHALE, J