

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 240 OF 2015

Jagdish s/o. Eknath Kuber **....Applicant.**

Versus

The State of Maharashtra **....Respondent.**

Mr. V.I. Thole, Advocate for applicant.

Mr. R.P. Phatke, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 17th February, 2015.

ORDER :

1. The application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.

2. Chargesheet is filed against the applicant for the offences punishable under sections 302, 149 etc. of I.P.C. The incident in question took place on 19.7.2014 after 6.00 p.m. in village Georai at rickshaw stop. When Nandkishor, complainant, learnt that present applicant and his family members were assaulting the deceased, he rushed to the spot. According to him, in his presence, present applicant inflicted three stab injuries by knife on the abdomen of deceased Shivaji. Shivaji died due to these injuries.

3. There are statements of many eye witnesses to similar effect. The papers of investigation contains spot panchanama which is consistent with the statements of eye witnesses. The record shows that on the basis of statement given by the applicant under section 27 of the Evidence Act, the weapon came to be recovered. The P.M. report shows that as many as three stab injuries were inflicted by using knife. One of the injury had cut the heart and the death took place due to stab injury caused to heart.

4. The learned counsel for the applicant submitted that on the same day, mother of the applicant had also given report in respect of the same incident and she has contended that she was assaulted by the persons of the side of deceased including the deceased. This circumstance cannot help applicant for getting the relief as this circumstance can be used by the prosecution to show that applicant is not disputing his presence on the spot at the relevant time.

5. The material collected is sufficient to show strong prima facie case against the applicant for the offence of murder. He had used dangerous weapon and many stab injuries are caused on the chest and abdomen of the deceased. Considering

the courage shown by the applicant, there is possibility of tampering with the witnesses at the hands of applicant. It will not be safe to grant him bail. This Court holds that it is not a fit case to grant the bail.

6. In the result, the application is rejected.

[T.V. NALAWADE, J.]

ssc/