

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

CRIMINAL APPLICATION NO. 6907 OF 2014

Subhash s/o. Rupchand Gurchal **Applicant.**

Versus

The State of Maharashtra **Respondents.**

Mr. M.G. Deokate, Advocate for applicant.

Mr. A.V. Deshmukh, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 20th January, 2015.

ORDER :

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

2. The crime is registered on the basis of report given by Sudhakar Tayade. Deceased Santosh Tayade was his cousin. There was some dispute over agricultural land between their family and the family of the applicant Subhash Gurchal. The incident in question took place on 31.7.2014 after 10.30 a.m. According to the complainant, when he, Dilip Tayade, Manohar Tayade, Santosh Tayade had gone towards Malkapur Choufuli and they questioned present applicant as to why he had given abuses to Manohar Santosh Tayade, Swapnil Subhash Gurchal,

son of the applicant, all of a sudden, gave blows of knife on the person of Santosh Nana Tayade. In F.I.R., it is mentioned by Sudhakar that present applicant then gave blows of knife to Dilip Nana Tayade and Santosh Nana Tayade and blows were given on chest, abdomen and hands. Allegations are made against the others that they caused injuries to other witnesses.

3. The P.M. report shows that the deceased Santosh had sustained as many as 7 surface wounds. Out of them, six injuries were stab injuries. The injuries were mainly on the chest and abdomen. These injuries had cut pleura, there was haemothorax, there was perforated of stomach and death took place due to haemorrhagic shock and internal bleeding due to liver and lung injuries and these injuries were caused due to multiple stabbing. There are allegations that present applicant used knife against the deceased and so, it appears that there is material to show that applicant was responsible for aforesaid injuries along with other assailant, his son. There is statement of Dilip to the effect that he was also assaulted. He sustained fracture injuries to 1st and 2nd metacarpal and he sustained multiple C.L.Ws. on head and C.L.Ws. on shoulder, lumbar region and hands and abrasion over cheek etc. Thus, there is material like statements of eye witnesses, statements of injured

witnesses and in F.I.R. name of the applicant is taken.

4. The learned counsel for the applicant submitted that nothing was recovered at the instance of present applicant and there is no circumstantial check to the aforesaid circumstances. These submissions cannot be accepted at all at this stage. It appears that he was arrested on 3rd August 2014 and he gave report in respect of the same incident which shows that he somehow admits that he was present on spot at the time of incident. The crime is registered for the offences punishable under sections 302, 307 r/w. 149 etc. of I.P.C. In view of the aforesaid material, this Court holds that strong case is made out against the applicant for aforesaid offences. There is possibility of tampering with the prosecution witnesses and commission of similar offence in view of the nature of dispute. This Court holds that it is not a fit case to grant bail.

5. In the result, the application is rejected.

6. The Trial Court is expected to dispose of the matter within six months from the date of receipt of this order.

[T.V. NALAWADE, J.]

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