

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 216 OF 2015**

Harish Baburao Patil	.. Applicant
v/s.	
The State of Maharashtra	..Respondent

Mr. Hrishikesh Mundargi for the applicant
Mrs. Veera Shinde, APP for the respondent State

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 20th NOVEMBER, 2015.**

P.C.

1. This is an application of bail filed by the aforesaid applicants, who are accused no.3 in Sessions Case No.96 of 2014, pending before the learned Sessions Court, Kolhapur.

2. Heard the learned Counsel Mr. Mundargi for the applicant and the learned APP for the State.

3. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties. The records *prima facie* reveals that the applicant herein is facing trial for the offence under Section 302, 120B r/w 34 of the IPC

and Sections 3(1) and 25 of the Arms Act. The case of the prosecution in brief is that the applicant along with others had entered into the criminal conspiracy to cause death of one Ashok Patil and accordingly on 30.02.2013 at about 1.30 p.m. he had caused the death of said Ashok Patil. The statement of Avinash Jambhale *prima facie* shows that the applicant no.3 was one of the conspirators. The statements of the witnesses namely Rafiq, Salim and Yuvraj, *prima facie* reveal the presence of the applicant at the place of incident. The material on record, therefore, *prima facie* shows that the applicant was involved in the said offence, which is of serious nature. The trial of the case has not yet commenced. Considering this factor as well as the gravity of the offence, in my considered view, the applicant is not entitled for the bail at this stage.

4. Hence, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)