

JPP

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION**

**CRIMINAL APPLICATION NO. 472 OF 2015
IN
CRIMINAL APPEAL NO. 222 OF 2015**

Shivaji @ Bhau Eknath Jadhav. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Mr. Rahul Kate for the Applicant.
Smt. V.R. Bhosale, APP for the State.

**CORAM : B.P. DHARMADHIKARI &
A.S. GADKARI, JJ.**

JULY 22, 2015.

P.C. :-

Heard. Prayer is to release the Applicant - Appellant on bail. Appeal No. 222 of 2015 is already admitted by this Court.

2. Advocate Mr. Rahul Kate submits that incidence took place all of a sudden in quarrel and there was no earlier preparation whatsoever. He further attempts to demonstrate that there was no satisfactory evidence to connect the Applicant with alleged offence.

3. Learned APP has pointed out that there is oral dying declaration by the deceased and apart from that there are three eye-witnesses.

4. With the assistance of respective Counsel we have perused records. Applicant is nephew and he has attacked his uncle in field. There is history of some family dispute over property. The Trial Court has found that attack was witnessed by PW-3 Kamini and part of it also seen by PW-5 Rajesh and PW-4 Sindhu. The deceased has before his death given oral dying declaration to his grandson Rajesh.

5. In this situation, at this stage, no case is made out for releasing the Applicant on bail. Application rejected.

(A.S. GADKARI, J.)

(B.P. DHARMADHIKARI, J.)