

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.807 OF 2015

Shri Sachin @ Pinu Navnath Deokar ..Applicant
v/s.
The State of Maharashtra. ..Respondent

Mr. Ujwal R. Agandsurve for the Applicant
Mr. Rajesh More, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : DECEMBER 17, 2015.

P.C.

1. This is an application for bail filed by the applicant who is facing trial in Sessions Case No.181/2014 (Old Sessions Case No.267/2014.

2. The case of the prosecution in brief as stated in the FIR dated 26/4/2014 lodged by Sitaram Yalappa Dindore is that on 26/4/2014 at about 7.15 a.m. the applicant and other co-accused formed an unlawful assembly armed with deadly weapon and committed murder of Vitthal @ Ichappa Pawar. The applicant was arrested on 3/5/2014. Pursuant to the said FIR, aforesaid crime came to be registered. Upon completion of investigation, chargesheet was filed and the case was committed to the Sessions Court. The applicant herein had filed bail application before the Sessions Court which came

to be dismissed by order dated 31/10/2014. The applicant has therefore filed the present application for bail before this Court under section 439 of Cr.P.C.

3. Heard learned counsel for the applicant and the learned APP for the State.

4. Mr. Agandurve, the learned Counsel for the applicant submitted that the FIR does not disclose that the applicant was armed with deadly weapon or that he was involved in inflicting injuries which caused death of said Vitthal. He further submitted that the applicant is behind bars since May'2014. Considering the nature of allegations made against the applicant, he is entitled to be released on bail.

5. Mr. More, the learned APP submitted that the FIR as well as the statement of the eye witness prima facie involve the applicant in committing the said crime. He further submitted that the deceased had sustained 40 injuries. Hence the applicant is not entitled for bail.

6. I have perused the records and considered the submissions advanced by the learned counsel for the respective

parties. The FIR dated 26/4/2014 prima facie reveals that on 26/4/2014 at about 7.15 a.m. the applicant alongwith co-accused had come near the house of one Shivaji Pawar. The applicant and others were armed with deadly weapons such as sword, iron rods, sticks etc. They had assaulted Vitthal, nephew of the complainant. The FIR prima facie reveals that the applicant herein was a member of the unlawful assembly, which was armed with deadly weapon and caused death of Vitthal. The FIR is further corroborated by the statement of eye witness. The post mortem report reveals that over 40 injuries were inflicted on the vital parts of the body of said Vitthal. Doctor has opined that death was due to multiple injuries. The post mortem report clearly indicates that the said Vitthal was murdered in a brutal manner. The gravity of the offence does not entitle the applicant for bail. Trial has not commenced, witnesses are yet to be examined and thus at this stage release of the applicant would hamper the trial. Considering the above facts and circumstances, the applicant is not entitled for bail. Hence, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)