

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

BAIL APPLICATION NO.1460 OF 2015

Anil Babu Pawar

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Priyal G. Sarda for the Applicant.

Ms R.V. Newton, APP for the Respondent -State.

Mr. Sandeep S. Salunke i/b. Mr. Sandeep D. Mane for the
Intervener.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 11th DECEMBER, 2015.

P. C. :

This is an application for bail filed by the aforesaid Applicant, who is facing trial in Sessions Case No.181 of 2014 on the file of the Additional District and Sessions Court, Barshi. This case arises from C.R. No.68 of 2014 registered with Vairag Police Station, Solapur (rural), for the offences punishable under sections 143, 147, 148, 149, 341, 427, 302, 364, 120B and 212 of the Indian Penal Code and section 135 of the Bombay Police Act.

2. The case of the prosecution in brief, is as under:-

On 26.4.2014 at about 7.15 a.m. the Applicant and the

other co-accused formed an unlawful assembly armed with weapons i.e. sword, Sattur (iron bars) etc. and assaulted and committed murder of one Vitthal Pawar.

3. Mr. Priyal Sarda, the learned counsel for the Applicant stated that there is no prima facie material to show the involvement of the Applicant in commission of the said crime. He further states that the Applicant is falsely implicated merely because he is related to the main accused, who had enmity with the deceased.

4. Ms Newton, the learned APP submits that the material on record prima facie shows the involvement of the Applicant in the said crime and the deceased had sustained 41 injuries and he was brutally assaulted by deadly weapons.

5. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent-State. The records prima facie reveal that one Sitaram Dindore, uncle of the deceased had lodged a complaint on 26.4.2014 stating that at about 7.15 a.m. the Applicant and the other co-accused had assaulted the deceased Vitthal Pawar. The FIR prima

facie discloses the involvement of the Applicant in committing said offence. In addition to the FIR, the statements of the other witnesses prima facie prove not only the presence of the Applicant, but also proves that he was involved in inflicting injuries on the deceased Vitthal Pawar.

6. The post mortem report prima facie shows that the deceased had sustained 41 injuries on the vital part of his body. The doctor has opined that the death of said Vitthal Pawar was due to multiple injuries on the vital part of the body. The post mortem report therefore, prima facie proves that the deceased was brutally assaulted by the Applicant and the other members of the said unlawful assembly. The offence is of serious nature. Gravity of the offence itself is one of the grounds for rejecting the application. Furthermore the trial has not commenced. Release of the Applicant, at this stage would hamper the trial. The Applicant is therefore, not entitled for bail.

7. The application is accordingly, dismissed.

(ANUJA PRABHUDESSAI, J.)