

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

BAIL APPLICATION NO.1914 OF 2015

Mahesh Ganpati Bhakare

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Subir Savkar i/b. Ms Shradha Sawant for the Applicant.

Mr. J.H. Ramugade, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 2nd DECEMBER, 2015.

P. C. :

This is an application for bail filed by the aforesaid Applicant, who is an accused in C.R. No.42 of 2015 registered with Shivaji Nagar Police Station, Ichalkaranji for the offences punishable under sections 302, 324, 323 r/w. section 34 of the IPC.

2. The learned counsel for the Applicant has submitted that no specific role has been attributed to the Applicant in commission of the said offence. He has further stated that the Applicant had no motive or intention to cause death of one Rajeshil Gursale. It is further submitted that deceased had expired after 8 days from the date of the

incident. He has further submitted that no blood stains were found on the iron rod allegedly recovered from the Applicant and that the Applicant is in custody since last 8 months. The learned counsel for the Applicant submitted that he be released on bail.

3. The learned APP has submitted that the FIR lodged by the wife of the deceased prima facie shows the involvement of the Applicant. He has further submitted that deceased had sustained several head injuries with the brutal assault of iron rod and the iron rod has been recovered at the instance of the Applicant.

4. I have considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State. The FIR lodged by the wife of the deceased as well as the statements of the complainant and the other injured witnesses prima facie reveal that deceased was running a mess. On 13.3.2015 at about 2.00 p.m. the complainant, wife of the deceased, heard some commotion outside the mess/canteen. When she went out she saw the Applicant and others assaulting her husband with iron rods and stones. When she intervened, she too was assaulted by all the four persons by means of iron rods. The records also indicate that the complainant had also sustained head injury as well as injury on her forearm, which fact

also prima facie proves her presence at the place of the incident. One of the iron rods has been recovered at the instance of the Applicant.

5. The material on record, thus, prima facie reveals that the Applicant herein was involved in assaulting the deceased by an iron rod. In the light of these facts the question of motive or intention is not relevant at this stage. The medical report reveals that the deceased had sustained several head injuries and the cause of death was due to complications from the head injuries. Considering the gravity of the offence and also considering the fact that the injured witness and the other material witnesses are yet to be examined, in my considered view, the Applicant is not entitled for bail at this stage.

6. Under the circumstances, the bail application is dismissed.

(ANUJA PRABHUDESSAI, J.)