

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.138 OF 2015

Pramod Jalinder Shenkar	... Applicant
vs.	
The State of Maharashtra	... Respondent

WITH
BAIL APPLICATION NO.697 OF 2015

Ramkrishna @ Baban Vilas Talekar	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. B.A. Aloor @ Mr. P.G. Sarda, for the Applicants.
Mr. Arfan Sait, APP for Respondent – State.
Mr. R.M. Khedekar (API), Junnar police station, Pune present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JUNE 23, 2015**

P.C.:

. Both the applications are moved for bail as the applicants/accused are facing charges for the offences punishable under Sections 302, 364, 365, 323, 324, 504 and 506 read with 34 of the Indian Penal Code and Sections 3(1)(10), 3(2)(5) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 in C.R. No. 70 of 2014 registered

with Junnar police station, Pune. The incident of murder has taken place on 4th June, 2014.

2. It is the case of the prosecution that the applicants/accused along with other two co-accused contacted the deceased Prakash Surgude on 4th June, 2014 at his hut and made allegations that he had stolen Rs. 20,000/- from the shirt of his relative and also earlier he has committed theft of a gunny bag full with rice. They suspected that he has committed theft and therefore they all took him towards Savargaon on motor-cycle. The deceased belongs to 'Katkari' community and residing in a hut along with his family. The applicants/accused and co-accused assaulted Prakash with wooden sticks and fist and kicks blows. They left him there. He was badly injured. They also assaulted Kailash, a friend of the deceased. Thereafter, the complainant-wife took away the deceased to the hut with the help of children. However, she could not take him to the hospital because it was late night and nobody was there to help her. In the morning when they woke up, at that time, the complainant found that Prakash was dead.

3. The learned counsel for the applicants/accused submitted that the applicants/accused are falsely implicated in this case. They are

innocent. There was some incident of theft and therefore the deceased was questioned. However, they did not have intention to kill him. He further relied on the affidavits filed by the witnesses Kailash Kale, Meerabai Wagh, Shivaji Wagh and Shalubai Surgude wherein they have stated that co-accused No. 4 is not involved in the crime of assault to Kailash. In the affidavit of Shalubai, she has stated that the deceased Prakash was heavily drunk and therefore he fell down and he himself is responsible for his death.

4. The learned prosecutor opposed the bail application. He relied on the postmortem notes wherein it is mentioned that nearly 13 injuries were caused to the deceased. There was fracture to the skull. He further submitted that it was not custodial death but a case of murder. He relied on the statements of witnesses.

5. Perused the first information report and statements of witnesses especially the statements of the complainant and the daughter of the deceased. The complainant has specifically taken the names of the applicants/accused as Baban and Shenkar who were present along with co-accused and they took her husband Prakash with them to Savargaon. It is also mentioned in her statement that all of them assaulted Prakash with

sticks and first blows. Ultimately, Prakash died due to the said injuries. In view of this, it is not a case to grant bail.

6. Hence, rejected.

(MRS.MRIDULA BHATKAR, J.)