

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**BAIL APPLICATION NO.264 OF 2015**

Shri Sanjay Balu Nagare ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Uday Warunjikar i/b Mr.N.B. Patil for the Applicant  
Mr.S.S. Pednekar, APP, for Respondent – State

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

DATE: **MARCH 25, 2015**

**P.C.:**

1. The application is moved for bail as the applicant/accused is arrested and in the prison as he is facing the charges of murder under section 302, 341, 387, 120B r/w 34 of the Indian Penal Code and also under section 135 of the Mumbai Police Act in relation to C.R. No.14 of 2014 registered with Shivaji Nagar Police station, Ichalkaranji. It is the case of the prosecution that on 30.1.2014 at 20.15 hours, near a Durga Mata temple at Ichalkaranji, the accused alongwith the 4 co-accused assaulted Manojkumar Gattani with a weapon i.e, sickle on the ground that he was not paying ransom of Rs.50,000/- to one of the accused i.e., Lala @ Lalya Shakruddin Malik. He died on the spot. Hence, the offence was registered against all the four accused. Since then, they are in prison including the present applicant/accused. Hence, this application.

2. The learned Counsel for the applicant/accused has submitted that there is no evidence against the applicant as there is no recovery of any weapon against him. He submitted that the evidence against him is false and he prays for bail.

3. The learned Prosecutor while replying to the submissions, relied on the statement of Avinash Shinde, at Shobha Chanale who are the eye witnesses and also relied on the statement of one witness, namely, Prahlad Gwadi, to whom one of the co-accused has made an extra-judicial confession. The learned Prosecutor has submitted that the applicant/accused and the co-accused have brutally murdered the deceased. There were 7 injuries on the person and the death was due to extensive brain injuries. He submitted that all the other co-accused are in the prison and they are likely to tamper with the evidence in view of the extra-judicial confession of the co-accused.

4. Perused the FIR, the statements of the eye witnesses, statements of the witness to whom there is an extra-judicial confession made by the accused. The post mortem report discloses that all wounds were incised wounds on the vital part. It appears that it was a brutal murder. Prima facie, it shows that the applicant/accused was one of the assailants armed

with sickle and has inflicted injuries on the persons of the deceased. It was a pre-meditated murder. In view of this, I am not inclined to grant bail. The application is therefore rejected.

**(MRS.MRIDULA BHATKAR, J.)**