

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.406 OF 2015

Shri Suresh Jagannath Khairnar ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.S.P. Kadam for the Applicant
Mr.D.P. Adsule, APP, for Respondent – State
Mr.Abhishek Yende, for Complainant

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

DATE: **JULY 6, 2015**

P.C.:

1. This is an application for bail. The incident of murder has taken place on 13.6.2014 at village Nagaon, Taluka Malegaon, Dist. Nashik. One Taibai Nimba Shewale is the informant. There was a dispute in respect of the land between Khairnar and Shewale families. Civil litigations were pending. On 13.6.2014 when the informant alongwith her husband, daughter in law and elder son Samadhan, were doing agricultural work. At that time, the applicant/accused alongwith his brother arrived there from their neighbouring field and they started abusing and assaulting Samadhan. The applicant/accused held him from front side and the co-accused Vijay stabbed from backside and then after seeing the complainant he pulled out the weapon and both ran away. Samadhan

succumbed to the injury. The applicant/accused was arrested thereafter on the same day. He is in prison since then. Hence, this application for bail.

2. The learned Counsel for the applicant/accused has submitted that there was a dispute due to land. No blood stains were found on the clothes of the applicant/accused which were seized on the person of the applicant/accused. He submitted that besides the evidence of Taibai, there is no evidence against the applicant/accused. He submitted that he is in prison since 13.6.2014. Hence, the applicant/accused be bailed out.

3. Learned Prosecutor has opposed the application. He relied on the injury certificate and post mortem report and the relevant clause therein. The complainant is an eye witness to the incident.

4. It is a single blow case. However, the applicant/accused held the deceased from the front and the co-accused stabbed him with gupti from backside. It pierced through the whole body and he died on the spot. Considering the statement of the complainant, the eye witness and the nature of injury sustained by the deceased, in my view, it is not a case to grant bail. Hence, the bail application is rejected.

(MRS.MRIDULA BHATKAR, J.)