

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.591 OF 2015

Omkar Baban Gore

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Satyavrat Joshi for the Applicant

Ms.R.V. Newton, APP, for Respondent – State

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

DATE: **JULY 6, 2015**

P.C.:

1. This is an application for bail. The applicant is facing prosecution under section 302 r/w section 34 of the Indian Penal Code at C.R. No.174 of 2014, registered with the Warje Malwadi police station, Pune. One police personnel Sangram Tate has reported about the incident that he had received a phone call from one Sandip Gore, cousin of the present applicant that the applicant alongwith his friend Avinash Lavarde had murdered the deceased Hitesh Kachru Sanas by assaulting him with stone. The incident of murder has taken place on 30.5.2014 on the night intervening between 30.5.2014 and 31.5.2014.

2. The learned Counsel for the applicant/accused has submitted that the case stands on a weak piece of evidence of extra judicial confession

only. There is no other evidence against the applicant/accused. The applicant/accused is innocent. Nobody has seen them. There is no eye witness. The case stands only circumstantial evidence.

3. The learned Prosecutor has opposed the application. She relied on the statements of witnesses, the complainant, statements of Sandip Gore and other witnesses. She submitted that the learned Sessions Judge while rejecting the bail application of the present applicant/accused has mentioned about three criminal cases pending against him. She submitted that as per the police report, two cases under sections 307, 201, 34 and under sections 326, 427, 34 of the Indian Penal Code were registered at Warje Malwadi police station and one case under sections 324, 323, 504 and 34 of the Indian Penal Code is registered at Kothrud police station against the applicant/accused.

4. Perused the FIR; statements of Sandip Gore and all other witnesses. There is an extra judicial confession given by the applicant/accused to Sandip Gore. Further, there are three cases under sections 307 and 326 of the Indian Penal Code against the applicant. Under such circumstances, this is not a fit case for grant of bail.

5. Bail application is therefore rejected.

(MRS.MRIDULA BHATKAR, J.)