

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.931 OF 2015
IN
CRIMINAL APPEAL NO.185 OF 2015

Irappa @ Chermal Subhash Dhangar Applicant /
(Org. Accused No.2)
Versus
The State of Maharashtra Respondent

ALONG WITH
CRIMINAL APPEAL NO.916 OF 2014

Irfan Dastagir Shaikh Appellant /
(Org. Accused No.3)
Versus
The State of Maharashtra Respondent

AND
CRIMINAL APPEAL NO.1067 OF 2014

Balu Prakash Chavan Appellant /
(Org. Accused No.1)
Versus
The State of Maharashtra Respondent

Mrs. Nasreen S.K. Ayubi, Appointed
Advocate, for the Applicant in Cr.
Application No.931 of 2015 and for the
Appellant in Cr. Appeal No.916 of 2014.

Mrs. G.P. Mulekar, A.P.P., for the
Respondent-State.

**CORAM : SMT. V.K. TAHILRAMANI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.**

DATE : 14TH AUGUST, 2015.

P.C. :

1. Heard learned Counsel for the Applicant/Original Accused No.2 Irappa Dhangar and learned A.P.P. for the State.
2. The Applicant/Original Accused No.2 has been convicted under Sections 302 and 324 r/w. 34 of the IPC. The Applicant is now seeking bail.
3. There are four eye witnesses in the present case i.e. PW-1 Sakharam, PW-2 Siddhesh, PW-3 Rakesh and PW-4 Prashant. All of them have stated that the Applicant was armed with sword and he gave blow with sword on deceased Ashok Kamble. PW-1 Sakharam, PW-3 Rakesh and PW-4 Prashant have specifically stated that the Applicant gave blow with sword on the head of Ashok Kamble. PW-2 Siddhesh has stated that the Applicant was holding a sword and the Applicant, along with others, assaulted Ashok Kamble and Sakharam Karande. Sakharam Karande is PW-

1. He is an injured witness. He has also stated that the Applicant gave blow with sword on the head of Ashok. The medical evidence also shows injury on the head of Ashok. Looking to this evidence on record, we are not inclined to grant bail. Moreover, it is noticed that the Applicant had earlier preferred an application for bail, being Criminal Application No.172 of 2015, which was rejected by this Court on 27th April, 2015. Thus, on merit, we do not think that case is made out to grant bail to the Applicant.

4. Thereafter, learned counsel for the Applicant submitted that the father of the Applicant is suffering from paralysis of the hand and leg and there is no one to take care of him. Hence, on this ground, he has sought bail. The application of the Applicant itself shows that in the family, his mother, his wife and two daughters of the Applicant are all residing together with the father of the Applicant. Moreover, his application further shows that the father of the Applicant is being treated at K.E.M. Hospital in Mumbai. Thus, it is seen that the family members of the Applicant are capable of taking care of father of the Applicant. Thus, on this ground also, we are not inclined to grant bail. Application is rejected.

5. It is seen that the co-accused i.e. Original Accused No.3 Irfan Dastagir Shaikh has preferred Criminal Appeal No.916 of 2014 and paper-book in the said Appeal is ready. In this view of the matter, preparation of paper-book in Criminal Appeal preferred by the present Applicant, i.e. Criminal Appeal No.185 of 2015, is dispensed with. So also, preparation of paper-book in Criminal Appeal No.1067 of 2014 preferred by the co-accused i.e. Original Accused No.1 Balu Chavan is dispensed with. As the paper-book is ready in Criminal Appeal No.916 of 2014, this Appeal, being Criminal Appeal No.185 of 2015, along with Criminal Appeal No.1067 of 2014, be placed on the Final Hearing Board in the week commencing from 24th August, 2015.

6. Application is disposed of in above terms. Office to communicate this order to the Applicant/Original Accused No.2 Irappa @ Chermal Subhash Dhangar, who is in Nashik Road Central Prison.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [SMT. V.K. TAHILRAMANI, J.]