

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1231 OF 2014

Yasin Rashid Choudhari. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

WITH

CRIMINAL BAIL APPLICATION NO. 1426 OF 2014

Santosh Ramchandra Kodak. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Amit Sale a/w. Mr. Shrikant Panhale i/b. Mr. Vaibhav Gaikwad,
advocate for Applicants.

Ms. P.P. Shinde, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 4, 2015

P.C.:

1 Heard the learned Counsel for the applicants and the Learned
APP for State. Perused the papers.

2 These are the applications under Section 439 of the Code of
Criminal Procedure, 1973. The applicants are arrested on

18/8/2013 in Crime No. 127 of 2012 registered at Karad Taluka Police Station for offence punishable under Section 302, 397, 394, 392 read with Section 34 of the Indian Penal Code. The investigation is completed and charge-sheet is filed on 19/10/2013.

3 It is the case of the prosecution that on 21/5/2012 complainant Dadaso Thorat, his brother Satish and his friend Pradeep Jagannath Gaikwad were in the workshop when they heard hue and cry on the road. On the road, they saw that a woman aged about 60 to 65 years old was crying loudly and telling that three persons on motorcycle had snatched golden chain which she was wearing. By that time, the persons had fled away on motor cycle. The complainant and his friend Pradeep Gaikwad followed the said motor cycle. He also told his another friend Pramod Pol to follow the motor cycle. They had succeeded in stopping the motor cycle at a distance. The complainant had given description of the clothes worn by the accused persons. They asked the accused persons about the golden chain of old lady and slapped the accused persons. The accused suddenly had drawn

knife. One of the accused assaulted Pradeep Gaikwad with a knife on his chest. The complainant and his friend Pramod were flabbergasted. They let the accused persons to leave and had taken Pradeep to Krishna hospital. He was being treated at Krishna Hospital and at that time complainant had lodged report, on the basis of which Crime No. 127 of 2012 was initially registered for offence punishable under Section 392, 394, 397 read with Section 34 of the Indian Penal Code. Subsequently, Pradeep Gaikwad succumbed to the injury and Section 302 of the Indian Penal Code was added.

4 On 16/8/2012 the applicants were arrested in Crime No. 179 of 2013. The investigating agency had taken note of the fact that the manner of committing offence on the basis of which crime No. 127 of 2012 and 179 of 2013 is the same and therefore, on 18/8/2013 the applicants were transferred in Crime No. 127 of 2012. It is pertinent to note that in the course of investigation test identification parade was conducted. The witnesses have identified the present applicants. In fact, the complainant had confronted with the accused persons

when he had questioned them about golden chain belonging to old lady and at that time accused had assaulted Pradeep Gaikwad. No doubt, the witnesses would rightly identify accused persons.

5 Taking into consideration papers of investigation and the submissions advanced across the bar, this Court is of the opinion that the applicants do not deserve to be enlarged on bail as they have indulged into a ghastly offence. Deceased Pradeep Gaikwad and the complainant were serving cause of the old woman whose chain was snatched and at that time, the accused brutally assaulted Pradeep Gaikwad, to which he succumbed. Hence, the applications being sans merits are rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)