

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**BAIL APPLICATION NO.1450 OF 2015
WITH
CRIMINAL APPLICATION NO.668 OF 2015**

Yogesh Jangale	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. A.P. Mundargi, Senior Advocate i/b. Ms. Shradha Sawant,
for the Applicant.

Mrs. Veera Shinde, APP for the Respondent-State.

Mr. S.S. Upadhyay i/b. Mr. A.M. Saraogi, for the applicant in
intervention application No. 668 of 2015.

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

DATE: **19th OCTOBER, 2015**

P.C.:

. This is a second bail application. The applicant/accused is facing prosecution for the offences punishable under sections 302, 307, 364, 201, 120-B read with 34 of the Indian Penal Code in C.R. No. I-125 of 2013 registered at Lonavala City police station, Pune.

2. This second bail application is filed on the ground that the first bail application was rejected on 13th July, 2015 by this Court. At

the relevant time, the C.A. report of viscera dated 18th February, 2014 was not available before the Court. The learned senior counsel submits that the C.A report discloses that the alcohol was found in the blood of the deceased. He submitted that as per the case of the prosecution and as per the statement of the father of the deceased, the deceased Abhishek never used to consume alcohol. However, this statement of the father is falsified by the C.A report and therefore the evidence before the Court that the applicant/accused approached the father of the deceased for the reason that his son was lying drunk near Express highway and thereafter he took the father of deceased along with him to the spot, is supported with the documentary evidence and this needs a fresh appreciation of the evidence.

3. The learned prosecutor opposed the application. She submitted that the deceased was working as a fireman in B.A.R.C. He was forced to drink liquor.

4. Perused the order dated 13th July, 2015 and the documents produced and relied by the defence. It is made clear that the statement made by the accused person is not admissible in

evidence and can not be looked into and therefore the fact that whether the deceased was forced to drink liquor, is to be proved independently by an admissible evidence by the prosecution before the trial Court. The finding of alcohol in the blood of the deceased may be a circumstance which was not available at the time of deciding the first bail application. However, it does not dilute the *prima facie* case against the applicant/accused and has no much bearing itself on the evidence against the applicant/accused which is discussed while rejecting the first bail application.

5. Hence, the bail application stands rejected.

6. In view of the above, the intervention application stands disposed of.

(MRS.MRIDULA BHATKAR, J.)