

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2030 OF 2015

Kaila Babu Punjara	..Applicant
-Versus-	
State of Maharashtra	..Respondent

Mr. Dhananjay D. Rananaware for applicant
Ms. P.P.Shinde, APP for Respondent State

CORAM : A.S.GADKARI, J.

DATE : 2nd December 2015.

P.C.

1] The applicant is seeking bail in C.R.No.137 of 2014 registered with Manor police station under section 302 and 307 of the IPC. The date of incident is 17th December 2014 approximately at about 8.45 p.m. It is the case of the prosecution that the applicant assaulted the deceased Vishram Punjara with sharp edged weapon. The said Vishram Punjara succumb to the injuries on the spot. The injured witness Datta Punjara was also assaulted by the applicant on his neck. The medical certificate of Datta Punjara is on record wherein it has been stated by the Medical Officer that the said witness has received a cut wound on neck.

Though the nature of the said injury was stated to be simple, it was stated that the said injury was caused with sharp edged object. The P.M. Report of deceased Vishram shows that he had received three injuries on the vital parts of the body. The statement of the injured Datta Punjara has been recorded immediately after the incident on 18th October 2014. Learned Counsel for the applicant submitted that the prosecution has failed to bring on record the motive behind the crime. Therefore, benefit of the same be given to the applicant. It is settled position of law that in a case based on ocular evidence motive is of least importance. In view of the same, even if the prosecution has not brought on record the motive behind the crime, in my opinion, statement of the injured witness Datta Punjara can be taken into consideration as ocular evidence in the crime. I find that the statement of Datta Punjara is trust worthy and reliable. In view of the above, I find no merits in the present application. The application is dismissed.

(A.S.GADKARI, J)