

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 207 OF 2015

Raju Popat Mohite	... Applicant
Vs.	
The State of Maharashtra	... Respondent

WITH

BAIL APPLICATION NO.2370 OF 2014

Santosh @ Babu Maruti Patere	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Pawan Mali, for the Applicant in B.A. No.207 of 2015.
Mr. Harshwardhan Akolkar, for the Applicant in B.A.No.2370 of 2014.
Mr. S.S. Pednekar, APP, for Respondent – State.

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

DATE: **MARCH 18, 2015**

P.C.:

. These two bail applications are preferred as the applicants are charge sheeted for the offences punishable under Sections 302, 307, 323, 326, 143, 147, 148 and 149 of the Indian Penal Code and the offence is registered at C.R. No.206 of 2014 at the instance of one Mrs. Nanda Salunkhe at Dattawadi police station, Pune. The incident of assault has

taken place on the night of 12-05-2014 on account of altercations on trivial issue between two groups of boys. One Sagar Waghmare was assaulted brutally by applicant/accused Raju Mohite and others and at that time other applicant/accused Santosh Patere has instigated the assailants to eliminate the persons from the other group. In the assault, one lady by name Swati Salunkhe and one person by name Dhanraj and other two persons also injured. Few days after the incident, applicants/accused were taken in custody and hence this bail application.

2. The learned counsel for the applicants/accused submitted that there was a quarrel between two groups and there are two contrary versions given by the informant in the present case and also against the informant C.R. No. 205 of 2014 is registered. The learned counsel submitted that one Mahesh Salunkhe who was from the group of the accused was assaulted by the complainant and the persons and there were sudden quarrel. It is submitted that Sagar Waghmare died due to head injury and one Santosh as per the evidence of eye witnesses has given blow on the head. There is specific statement that the applicant/accused Raju Mohite has assaulted on the head. It was argued that fatal blow was not given by the applicant/accused Raju and therefore his case be considered for bail.

3. The learned counsel for the applicant/accused Santosh Patere has submitted that he did not participate in the assault but he was present and he instigated the boys to assault.

4. The learned prosecutor opposed the bail.

5. Perused the charge sheet and postmortem report. The cause of the death of Sagar Waghmare is due to head injury. It appears there are three head injuries. The learned counsel has relied on the judgment of the Supreme Court in the case of "*Shriram vs. State of Maharashtra*"¹. The Hon'ble Supreme Court has granted bail to the accused when there were cross cases and two different versions. The copy supplied does not disclose all details about that case. In the present case, one person was murdered and three others are injured and the offences are under Sections 302, 307, 323, 326, 143, 147, 148 and 149 of the Indian Penal Code. The applicants/accused are in prison for nearly ten months. I am of the view that it is not the case of granting bail at this stage. The applicants/accused are given liberty to move bail application if the trial is not concluded within nine months. Both applications are rejected.

(MRS.MRIDULA BHATKAR, J.)

1. 2001(8) Supreme 541.