

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAILAPPLICATION NO. 2708 OF 2014

1. Gautam Waman Jadhav)
2. Rahul Waman Jadhav)Applicants
vs.
The State of Maharashtra ... Respondents

Mr. Ramesh B. Jadhav, Advocate for the applicants.
Mr.D.P.Adsule, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 24th February, 2015.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 6.5.2014 in Crime No. 70 of 2014 registered at Ozar Police Station, Niphad, District Nashik, for the offences punishable under Sections 302, 307, 341,143,147, 148,149, 324,323, 504, 506 of IPC. The investigation is completed and charge-sheet is filed.

2. It is the case of the prosecution that on 6.5.2014, Sachin Dagu Hire lodged a report at the police station alleging therein that the relations between the family of Hire and Jadhav were at loggerheads. They were insisting upon the

complainant's family to get their daughter Vaishali married to Balkrishna, who happens to be the brother of the complainant. There were disputes between both the families. On 5.5.2014, he had closed down the hotel and was returning home. While he was passing on his motorcycle from the front of the house of Rekha Prakash Avhad at about 11.30 p.m., suddenly the applicant and others mounted assault upon them with wooden sticks. The applicant and his associates had expressed their grievance over the fact that Balkrishna was not marrying Vaishali. The complainant is also injured. He has specifically stated that the present applicants were the members of unlawful assembly. It is alleged that the applicant No.1 was armed with the wooden log and that he had assaulted Kedu Hire with the wooden log on his leg. Applicant no.2 was armed with a sword and he had assaulted the complainant and the other witnesses. The said role attributed to the applicants is corroborated by the post-mortem notes.

3. The learned counsel for the applicant submits that the applicants have no criminal antecedents. It is further submitted that the alleged wooden have not been recovered at the instance of the present applicants. In view of this, the applicants deserve grant of bail.

4. Upon perusal of the compilation of charge sheet, it is abundantly

clear that this is a case of direct evidence. The complainant and the other witnesses are injured witnesses. They have attributed the specific role to the present applicants which cannot be disbelieved at this stage. Kedu Hire had died a homicidal death at the hands of the present applicants and others. In view of this, the applicants do not deserve grant of bail during the pendency of the trial.

5. The application being sans merit, stands rejected.

(SMT.SADHANA S.JADHAV, J.)