

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL APPLICATION (BA) NO.229/2015**

(Sarang Kailash Zade ..vs.. State of Maharashtra, through PSO P. S. Chandrapur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S. V. Sirpurkar, Advocate for applicant.

Mr. V. A. Thakare, A.P.P. for non applicant-State.

CORAM : A.B. CHAUDHARI, J.

DATE : JUNE 22, 2015.

This is an application for grant of bail for an offence punishable under Section 302, 324, 120-B of IPC in Crime No.145/2014. Learned counsel for the applicant submitted that there is no prima facie evidence against the applicant and he should be enlarged on bail during trial.

Perusal of the charge-sheet and the reply filed by the prosecution shows that there is evidence against the applicant disentitling him from grant of bail. Insofar as the applicant is concerned, the applicant had inflicted blows of broken glass of beer bottle on the head of Juned on forehead and caused injuries near frontal head portion, as a member of the assembly whose common intention was to commit murder. Apart from that, there is discovery of motorcycle and Micromax mobile phone from the applicant. In this regard, I quote paragraph nos. 8 and 9 from the reply of the prosecution, which clearly shows the role played by applicant. Paragraph nos. 8 and 9 read thus:

“8. It is submitted that during the course of investigation, the investigating agency has recorded the statement of one witness Sk. Hussain Sk. Ajar who has categorically stated in his statement that the present applicant Sarang has inflicted the blow of broken glass of beer bottle on the head of Juned as well as on his forehead which caused injury at his eyebrow and both the assailants fled away from the spot of incident.

9. It is submitted that the injured Juned has also categorically stated that when he intervening in the matter to pacify the quarrel, at that time the present applicant has broken the glass of beer bottle and inflicted blow on his arm and the other accused has inflicted the blow of knife on the left side on chest of Naved, due to which he sustained severe injury and fell down on the ground.”

In view of above, I do not think that the applicant can be extended benefit of enlargement on bail pending trial. Hence, I pass the following order.

ORDER

- (i) Criminal Application No.229/2015 is rejected.

JUDGE