

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 47 OF 2016

Sudhakar s/o Shivdas Gangarde,
Age: 45 years, Occ: Service,
R/o. Kumbhali, Tal. Karjat,
Dist. Ahmednagar.

...Applicant

versus

The State of Maharashtra
Through Police Station Officer,
Karjat Police Station,
District Ahmednagar.

...Respondent

.....
Mr. Niteen V. Gaware, Advocate for applicant
Mr. K.D. Munde, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 4th FEBRUARY, 2016

ORAL ORDER :

Applicant is seeking regular bail in Crime No. I-200 of 2015 registered with Karjat Police Station, District Ahmednagar for the offence punishable under Sections 302, 143. 147. 148, 149, 323, 504, 506 of Indian Penal Code.

2. While trying to make out case for grant of bail, learned Counsel for the applicant, would submit that the applicant, public servant, who was arrested on 14/10/2015 and was subjected to custodial interrogation. He would then urge that since the

investigation in the matter is complete and charge sheet is filed, this Court should consider releasing the applicant on bail, he being a public servant. Apart from above, he would urge that the political enmity is already narrated in the F.I.R., and as such, false implication of the applicant in the crime in question cannot be ruled out in the back ground of Grampanchayat election. The next submission is that, even the investigation papers as are considered against the applicant to its face value as correct, still there is no probability of conviction on merit, as such, prayed for grant of bail.

3. Learned A.P.P. opposed the application on the ground that the applicant is alleged to have committed serious crime for the offence punishable under Section 302 of Indian Penal Code. He has sought to place reliance on the statement of various eye witnesses, who have specifically stated the role attributed to the applicant in the crime in question. The discovery under Section 27 of the Indian Evidence Act and other material, according to him, depicts *prima facie* involvement of the applicant in the crime in question.

4. With the assistance, I have scanned the charge sheet.

5. It is required to be noted that the entire investigation is completed, the prosecution story is consistent as regards the role of

the present applicant in the commission of crime in question. The blow given by the applicant by rod to the deceased is cause of his death as is apparent from the medical papers on record.

6. Apart from above, discovery under Section 27 of the Indian Evidence Act and statements of eye witnesses speak voluminous about *prima facie* involvement of the applicant in the crime in question. In view thereof, no case for grant of regular bail is made out. As such, criminal application fails, stands dismissed.

[N.W. SAMBRE, J.]