

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

**CRIMINAL APPLICATION NO. 1698 OF 2016**

Sanjay s/o Shankar Bhalkar

...Applicant

VERSUS

The State of Maharashtra

...Respondent

.....  
Shri S.G.Laddha, advocate for applicant  
Shri A.B.Girase, P.P. for respondent/State  
Shri V.D.Sapkal, advocate for complainant  
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**CORAM : INDIRA K.JAIN, J.**

**DATED : 5th May, 2016**

**ORDER :**

This is an application for regular bail in Crime No. I-21 of 2015, registered at Harsool police station, District Aurangabad for the offences punishable under Sections 143, 147, 148, 149, 302 of the Indian Penal Code.

2] Heard Shri S.G.Laddha, learned counsel for applicant and Shri A.B.Girase, learned P.P. for respondent/State assisted by Shri V.D.Sapkal, learned counsel for complainant. Perused case papers.

3] Incident occurred on 14.3.2015 at 11.00 a.m. in an agricultural land. The first informant Aruna Shinde is wife of victim Vishwas Shinde. At 1740 hours on the same day she lodged report with the police station stating therein that there was a dispute between her husband and accused in respect of a field situated at village Ohar. Vishwas Shinde had filed a suit for perpetual injunction

against the accused and it was decreed. Appeal preferred against the judgment and decree was also dismissed on 12.10.2011. The relations between the parties were stained.

4] On 14.3.2015 at 9.30 a.m. Vishwas had been to meet his nephew Pravin who was admitted in Deshmukh Hospital, Baijipura. He carried a tiffin for Pravin. From the hospital Vishwas had been to a farm where construction of a well was going on and for that he had to pay wages to labourers. It is alleged that at around 11.00 a.m. applicant with other five persons entered the field and assaulted Vishwas mercilessly with an axe, sticks and lathis. He sustained multiple injuries. Vishwas informed the incident to his wife and friend on phone. He was taken to Ghati hospital where he succumbed to injuries at about 4.00 p.m.

5] During investigation statements of two eye witnesses have been recorded. Those witnesses have stated the manner of assault on Vishwas Shinde by applicant and his associates resulting to multiple injuries caused with deadly weapons. In addition, investigating agency could record statement of Valmik friend of Vishwas, Vidya and wife Aruna. From their statements it can be gathered that deceased disclosed to them about assault by applicant and his associates.

6] CDR report is collected during investigation which shows exchange of calls supporting the case of prosecution.

7] So far as cause of death is concerned, at the time of postmortem Medical Officer found 39 injuries on various parts of the

body of deceased. He died of shock and hemorrhage due to multiple contusions and fractures.

8] Thus entire material collected during investigation would indicate strong prima facie involvement of applicant in the assault in view of previous enmity. This Court is thus not inclined to enlarge him on bail. Application deserves to be dismissed. Hence the following order.

**ORDER**

Criminal Application No. 1698 of 2016 stands dismissed.

**[INDIRA K.JAIN, J.]**

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