

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1921 OF 2015

Mr. Prakash Mahadev Gadhale ... Applicant
Vs.
The State of Maharashtra ... Respondent
Mr. Shariz Shaikh, Adv. a/w. Mr. S. Deshmukh, Adv. a/w. Mr. Kshirsagar Srinivas, Adv. a/w. Mateen Shaikh, Adv. for the applicant.
Mr. Arfan Sait, APP for the State.
Mr. A.L. Ambekar, Police Head Constable, Kadegaon PS, Sangli present.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 15th January, 2016.

P.C. :

1. This is an application for bail filed by the aforesaid applicant who is facing trial in Sessions Case No.118 of 2015 pending the file of Sessions Judge, Sangli for offences punishable under Sections 302, 323 & 504 r/w.34 of the IPC.

2. The case of the prosecution in brief is that on 27th March, 2015 the applicant herein along with other co-accused with common intention committed murder of Suraj Yadav. It is also alleged that the applicant and the other accused caused injuries to one Vaibhav Yadav and others. Pursuant to the FIR lodged by Sagar Yadav the aforesaid crime came to be registered. In the course of the investigation the

applicant and the other co-accused were arrested. Upon completion of the investigation the chargesheet was filed and the case being sessions triable the same has been committed to Sessions Court, Sangli. The applicant had filed an application for bail which came to be dismissed by the Sessions Judge vide order dated 10th August, 2015. Hence the present application.

3. Mr. Shaikh, the learned counsel for the applicant has submitted that the applicant is not involved in committing the said crime. He has submitted that the applicant who is a member of the grampanchayat had only tried to intervene and settle the dispute between the two groups of college students. He has further submitted that the only allegation against the applicant is that he had held the deceased. He further claims that the said act does not lead to an inference that the applicant had common intention or that he was aware that the other co-accused was armed with knife and had intended for committing murder or causing death of Suraj Yadav. The learned counsel for the applicant further submits that the applicant had held Suraj Yadav only with an intention for preventing him from being assaulted. The learned counsel for the applicant submits that the applicant is in jail since last 9 months and that the

chargesheet having been filed his presence is no longer required for custodial interrogation.

4. Mr. Sait, the learned APP for the State has submitted that the FIR as well as the statement of the injured witness prima facie reveal that the applicant herein had brought the other assailants to the spot of the incident. The learned APP further submits that the applicant had held the deceased and thereby aided the co-accused in inflicting injury on said Suraj Yadav. The learned APP therefore claims that there is sufficient material on record to show the involvement of the applicant in the aforesaid crime.

5. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties. The records prima facie indicate that there was a quarrel between two groups of students i.e. a group of student studying in Amrapur College and the other group studying in Kadegaon College. The records reveal that on the date of the incident the students from Kadegaon college had gone to Amrapur to question the students from Amrapur about the incident. The records prima facie reveal that the applicant herein had told the complainant Sagar Yadav, the deceased and the

other witnesses to wait in the grampanchayat Hall. The applicant thereafter had come to the said hall along with two other persons, who were armed with sticks. The fact that they had come to the place of the incident armed with sticks, prima facie reveals that they had come with an intention of assaulting the complainant and others. The FIR as well as the statements of the other injured witnesses prima facie reveal that as soon as the said group reached to grampanchayat hall they starts abusing and assaulted the complainant and others. The record further reveals that the applicant herein had held Suraj Yadav and the person who had accompanied him had stabbed him with a knife.

6. The FIR as well as the statement of the injured witness Vaibhav prima facie reveals the involvement of the applicant in commission of the said crime which is of serious nature. The evidence has not yet commenced. Considering the previous enmity between the two groups, the possibility of the applicant threatening the witnesses and hampering the trial cannot be ruled out. Hence in my considered view, this is not a appropriate stage at which the applicant can be granted bail.

7. In the circumstances and in view of the discussions supra the application is dismissed.

(ANUJA PRABHUDESSAI, J.)