

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1950 OF 2015

Narendra Jagdeo Patil	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. V.V. Purwant, Adv. for the applicant.
Mrs. R.M. Gadhvi, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 5th February, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the above applicant apprehending his arrest in Crime No.101 of 2015 registered with Akkalkot South Police Station for an offence punishable under Section 302 r/w. 34 of the IPC.

2. The case of the prosecution in brief is that on 13th August, 2015, the applicant and the other co-accused with common intention committed murder of one Shivanand Iranna Lachchan.

3. Mr. Purwant, the learned counsel for the applicant has submitted that there is no prima facie material to show the involvement of the applicant in committing the said crime. He has

submitted that the applicant was not present at the place of the incident and that the investigating officer is required to look into his plea of alibi.

4. Mrs. Gadhvi, the learned APP for the State has submitted that the complaint lodged by the deceased prior to his death reveals that the deceased apprehended danger at the hands of the applicant and the other co-accused. She has further submitted that there is prima facie material to show the involvement of the applicant in committing the said crime. She has further stated that the gravity of the offence would not justify grant of anticipatory bail.

5. I have perused the records and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. The FIR prima facie reveals that on 13th August, 2015, the complainant Anuj Lachchan, son of the deceased, received information on phone from Surekha Hatte that his father lying near a primary school, opposite Grampanchayat Office at village Navindagi. The complainant visited the place of incident and noticed that his father was lying in a pool of blood with several injuries on the body. He, therefore, lodged FIR on the same day pursuant to which the

aforesaid crime came to be registered.

6. The post mortem report reveals that there were five stab wounds and three laceration over the body of the deceased. The medical officer has certified that the death of Shivanand was due to cardio respiratory arrest due to injury to head and lungs.

7. The FIR prima facie indicates that the applicant and the other co-accused had threatened to death of Shivanand, the father of the complainant as there was some property dispute between said Shivanand and one Parmeshwar. The FIR further reveals that the applicant herein was instigating said Parmeshwar and that they had planned to cause death of his father Shivanand. The FIR also indicates that prior to his death, the deceased had lodged a complaint before the Collector as well as Superintendent of Police against the applicant and others, pursuant to which action was taken against the applicant and others. The FIR further indicates that in view of lodging of the said complaint, the applicant and the other co-accused had started harassing his father and that once again his father made complaint on 1st August, 2015, wherein he had stated that, if no action was taken against accused, he would go on hunger strike. The

FIR further indicates that pursuant to the said complaint dated 1st August, 2015, action was taken against the applicant about two to three days prior to the incident and as a result they had threatened to cause death of his father. The statements of the other witnesses also prima facie indicate that the applicant and other co-accused had threatened the deceased.

8. The records thus prima facie indicate that there was some animosity between the applicant and the deceased Shivanand. The applicant and others had threatened to cause death of Shivanand and apprehending danger to his life, Shivanand had lodged complaint against the applicant. The records prima facie indicate that about two to three days prior to the incident the applicant had threatened to cause his death. The above facts and circumstances coupled with gravity of the offence would not justify grant of anticipatory bail.

9. Hence the application is dismissed.

(ANUJA PRABHUDESSAI, J.)