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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.100 OF 2016

Pravin @ Pappu Tukaram Pasalkar	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Rameshwar N. Gite, for the Applicant.
Mr. S.S. Pednekar, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 5th JULY, 2016.

P.C. :

1. The applicant/accused in Crime No.297 of 2013, for offence punishable under Sections 302, 143, 147, 148, 149, 120(B) of the Indian Penal Code and under Sections 3, 4(25) of the Arms Act, registered with Haveli Police Station, by this application is seeking his release on bail.
2. Heard the learned counsel for applicant. By taking me through statements of witnesses from Police Department who were members of Special Squad appointed for arresting Goraksha @ Pappu Taware (since deceased), it is argued that deceased Pappu Goraksha Taware was wanted accused in several cases. It is argued that on the instructions of superior police officers, a squad headed by API Gajanan

Ghadage was formed. That squad took help of present applicant as well as Dnyaneshwr Taware for nabbing Goraksh @ Pappu Taware and ultimately police killed Pappu @ Goraksha in an encounter at the house of one Dhebe in Dhangad wada of village Jambhli. It is also argued that informant Sarika wife of deceased has also named police officers including Gajanan Ghadake and Kshirsagar, in killing her husband.

3. The learned APP opposed application. The postmortem report shows the death of Goraksha @ Pappu Taware is homicidal in nature and cause of death is because of several antmortem injuries in the form of incise wounds.

4. Dhanaji Dhebe, who is eye witness to the incident in question which allegedly happened inside his house stated the mode and manner in which the incident happened. As per statement of Dhanaji Dhebe, Pappu Taware (since deceased) and Pappu Jadhav took shelter at his house, in the night of 8.12.2013, to be followed by accused persons including Rupesh Taware, Dnyaneshwar Taware, present applicant and four others. The eye witnesses are stating that Rupesh Taware and Pappu Pasalkar were carrying guns and after killing Papu Taware, they ran away.

5. During investigation, nothing is recovered from present applicant, but eye witnesses are attributing role to him in the crime in question.

6. The perusal of chargesheet shows that police squad immediately rushed on the spot. According to contention of learned counsel for applicant, in fact police squad had killed deceased Pappu Taware, by firing gun shot on him. This aspect will have to be examined at the trial of the Sessions Case. From the statements of police witnesses, it is seen that police squad was also behind Pappy @ Goraksha Taware.

7. Considering eye witness account, no case of grant of bail is made out. Hence application is rejected.

[A. M. BADAR, J.]