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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.276 OF 2016**

Rajesh @Raja Shankar Rathod ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr.R.S.Pachundkar, for the Applicant

Ms.Veera Shinde, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 6th MAY, 2016***

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No.56 of 2015, registered with the Hadapsar Police Station, Pune, for the alleged offences punishable under Sections 302, 397 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant submitted that the only allegation qua the present applicant is that he was standing at the spot at

the time of the alleged incident and that it was co-accused – Omkar, who threw a stone on the head of the deceased. He submitted that no overt act has been attributed to the applicant.

4. Learned APP submitted that the applicant has been identified in the identification parade by one Pritam Pawar, an eye-witness to the said incident. She submitted that there is a recovery of a mobile phone of the deceased, at the instance of the applicant. She submitted that the Applicant was involved in similar cases in the past and that there are six cases registered as against him, including an offence under Section 302. She submitted that charge-sheet has been filed in the said case.

5. Perused the papers. There is an eye-witness who has specifically identified the applicant, as being the person present at the spot, at the time of the alleged incident. There is recovery of a mobile phone, belonging to the deceased, at the instance of the applicant. There are six antecedents of a similar nature, including an offence under Section 302 of the Indian Penal Code, as against the applicant.

6. Considering the same, this is not a fit case to enlarge the applicant on bail.

7. Hence, the Application for bail is rejected and disposed of as such.

8. Needless to observe, that the trial court shall decide the case on its own merits uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.