

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.438 OF 2015

Gabbar @ Vijay D.Singh.

..Applicant.

vs.

The State of Maharashtra.

..Respondent.

Mr. A.D. Joshi for the Applicant.

Mrs. P .P .Shinde, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 04th January, 2016

P.C.

The applicants are seeking bail in CR No. I-123 of 2014 registered with Navghar Police Station, Bhayander, District Thane under Section 302, 307, 147, 148 and 149 of the Indian Penal Code.

2) The first informant namely Ashok Ramchandra Shinde has lodged the report dated 13.4.2014 and has also given a supplementary statement on the even date. It is the prosecution case that the accused No.1 Babu Sravan Khare along with other accused persons including the applicant formed an unlawful assembly and assaulted Gururaj Maruti Rajkure and Pradeep Shinde the brother of complainant. In the said assault Gururaj Rajkure succumbed to his injuries. In the supplementary statement of the complainant, the

role attributed to the present applicant is that after the accused No.1 Babu Sravan Khare assaulted the deceased and injured with an iron rod, the present applicant and other accused persons assaulted the said two victims with fist and kick blows. After completion of investigation, police have filed the charge sheet.

3) The learned counsel for the applicant submitted that the applicant has been falsely implicated in the present crime as he was having enmity with the sitting corporator of the said locality. He further submitted that if the applicant is released on bail he will abide by the terms and conditions imposed upon, by this court.

4) I have perused the charge sheet. The statement of Pradeep Shinde-injured and other witnesses in the present crime in unequivocal terms mentioned that after the accused No.1 namely Babu Sravan Khare assaulted him and when he collapsed on the ground, the present applicant along with other accused persons assaulted the said victim by fist and kick blows. Another witness namely Shivaji Jadhav also attributes the same role to the applicant. It is thus clear from the statements that, apart from forming unlawful assembly, the applicant had also shared common intention with co-accused Babu Sravan Khare and Vicky @ Vijay Ghatge. The

learned APP has expressed an apprehension that if the applicant is released on bail he may tamper with the evidence. She further submitted that the applicant is already involved in other crime under section 302 of the I.P.C. and when he was on bail in earlier crime, he has committed the present offence, therefore, the applicant may not be released on bail. The record discloses that there is sufficient evidence available against the applicant showing his complicity in the present crime. The applicant has alleged to have been committed the present crime when he was released on bail in an earlier crime. In view of the same, I am not inclined to grant bail to the applicant. The application is therefore, rejected.

(A.S. GADKARI, J.)