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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.530 OF 2016**

Wilson Robin Kamble

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.P.G.Sarda, for the Applicant

Mr.D.P.Adsule, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 16th MARCH, 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. 65 of 2015, registered with the Lonikalbhor Police Station, Pune, for the alleged offences punishable under Sections 302, 329, 143, 147, 148, 149, 506, 109 of the Indian Penal Code and under Sections 4, 25 of Indian Arms Act and under Sections 37(1),(3), 135 of the Bombay Police Act.
3. On 28th February, 2015 at about 9.30 a.m. when the deceased

was proceeding on his way to the College to appear for an exam, the alleged incident had taken place. It is alleged by the first informant – Sachin Kanchan, who was present at the spot, alongwith the deceased that all the accused attacked deceased – Chaityanya D. Gawali, by means of swords, sticks, stumps etc. According to the first informant, he pleaded with the accused, to stop assaulting the deceased, but none of them paid heed to the said request. The alleged motive was a love affair between the deceased and one Sanika Kulkarni, which was objected to, by the accused no.1.

4. Learned Counsel for the Applicant submitted that although the name of the applicant is disclosed by the eye witnesses, there is no recovery of the baseball stump at his instance nor is there any injury which is caused on account of the said baseball stump.

5. Perused the charge-sheet. There are two eye-witnesses, the first informant – Sachin Kanchan and one Omkar Kanchan. Both of them have specifically named the applicant, as being present on the spot, with the baseball stump and have stated that the applicant also assaulted the

deceased with the baseball stump. The postmortem report shows that the deceased, aged 18 years had sustained almost 25 injuries i.e. stab wounds and incised wounds. It appears that the deceased was done to death in broad daylight and that all the accused had come armed with weapons. Name of the applicant as well as the overt act played by the applicant is disclosed to, by both the eye-witnesses.

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

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

8. It is made clear that, the learned Judge shall decide the case on its own merits uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.