

sas

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.842 OF 2016

Siddhant @ Siddhya Kishore Bhadkwad ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Ms.Anjali Patil for the applicant.

Mr.Irfan Sait, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 15TH JUNE, 2016

P.C. :-

1. The applicant / accused in Crime No.162/2014 for offences punishable under section 147, 148, 149 and 302 of the Indian Penal Code, under section 37(1) and 135 of the Maharashtra Police Act and under section 4 (25) of the Arms Act registered with Bibewadi Police Station, Pune by this application is praying for releasing him on bail.

2. Heard the learned counsel for the applicant. She argued that during the course of investigation, the identity of the present applicant as an assailant is not established and

Test Identification Parade was not conducted. She further argued that evidence in respect of the alleged recovery is irrelevant because recovery is alleged to have been made after three days of the arrest of the applicant and that too from the open space behind his house. The house of the applicant was also searched by the Investigating Officer.

3. The learned APP states that the T.I. Parade was already held and the applicant was identified by the witnesses. He further argued that the Chemical Analyser's report is also received which *prima facie* establishes the complicity of the applicant / accused in the crime in question.

4. Perused the charge-sheet. The F.I.R. in question was lodged by Atul Pawar alleging that his brother-in-law Navnath Salunkhe was done to death by accused Vikas Dhavre and four of his associates on 15th December, 2014 at Chaitrahan Vasahat, Pune.

5. Perusal of the post mortem report shows that Navnath Salunkhe died due to traumatic and haemorrhagic shock. His dead body was having 36 ante mortem injuries in

the nature of chop wounds and incised wounds.

6. Jalinder Shelar, Yogesh Khamkhar, Narendra Salunkhe and Harshad Dixit are witnesses to the incident. Jalinder and Yogesh have stated that at the time of the incident, accused Vikas Dabre came on motor cycle and four to five persons also came there following Vikas. They further stated that Vikas had taken out koyta (sickle) and threw it towards Navnath. Both these persons fled away from the spot out of fear. Narendra Salunkhe and Harshad Dixit stated that they have witnessed the incident of assault on Navnath by Vikas Dabre, Rohan Gade and Avinash. As per their version, two assailants were young persons, aged about 20 / 22 years. It is seen that after arrest of the present applicant, T.I. Parade was conducted by the Investigating Officer wherein witness Yogesh Khamkar has identified the present applicant as the assailant.

7. Voluntarily disclosure statement of the applicant has resulted in recovery of weapon of offence. His clothes were also recovered at his instance. C.A. report shows that the weapon and clothes sent for Forensic examination were

containing human blood. The admissibility of the memorandum statement of the applicant would be examined at the time of trial.

8. Considering the material collected during the course of investigation, *prima facie*, there is enough evidence against the applicant for the offence punishable with death of life imprisonment. No case for bail. The application is rejected.

(A.M.BADAR, J.)