

sas

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.853 OF 2016

Riyas @ Laden Moin Ansari	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

Mr.Sachin Dhakepalkhar for the applicant.

Mr.Deepak Thakarey, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 29TH JUNE, 2016

P.C. :-

1. The applicant in Crime No.144/2015 for the offences punishable under sections 307, 504 read with 34 of the Indian Penal Code registered with Lonavala City Police Station, Pune at the instance of Pandurang Akhade by this application is praying for releasing him on bail.

2. Heard the learned counsel for the applicant. He argued that all male members of the applicant are behind the bars and after his release, he can maintain his family. It is further argued that statement of several eye witnesses are

recorded by the prosecution wherein it is shown that the present applicant was merely standing on the spot. By pointing out the charge-sheet, it is averred that even in the concluding part of the charge-sheet, the prosecution case is to the effect that accused Nos.2 to 4 have assaulted the deceased with sharp edged weapon. It is further argued that no test identification parade was conducted and nothing was recovered from the present applicant.

3. The learned APP opposed the application by contending that the informant himself is an eye witness and he has attributed role to the present applicant in the crime in question.

4. It is seen from the opinion expressed by the autopsy surgeon, death of Anand Dhondu Shingade is homicidal caused due to stab injuries.

5. Perusal of the F.I.R. goes to show that Anand Dhondu Shingade (since deceased) was having a stall of tea and Vada-pav. The present application was also having same business. On 7th September, 2015, as reported by the

informant, when he as well as deceased Anand Shingade were proceeding by motor cycle at Jaichand Chowk, the present applicant and co-accused accosted them. Co-accused Aman dragged deceased Ananda Shingade from the motor cycle. Thereafter, accused persons abused deceased Anand Shingade and they assaulted him by means of sharp edged weapons on chest, stomach, shoulder and legs. The reason stated by the informant for this murderous assault is past quarrel between the parties. The statement of the informant goes to show that deceased was assaulted by all accused persons. Supplementary statement of the informant it also recorded by the prosecution which goes to show that the present applicant and co-accused had threatened passers-by not to intervene in the assault and not to help the deceased.

6. During the course of investigation, lungi stained with blood came to be seized from the present applicant Riyaz @ Laden on 10th September, 2015.

7. The prosecution has applied section 34 of the Indian Penal Code and evidence collected during the investigation as reflected from the charge-sheet, prima facie

goes to show that in furtherance of their common intention, accused persons had murdered Anand Shingade. In this view of the matter, no case for bail is made out and hence the order :-

The application is rejected.

(A.M.BADAR, J.)