

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 973 OF 2016

Chandrakant @ Chander Dharappa Kamble ...	Applicant
Vs.	
The State of Maharashtra ...	Respondent

Ms. Rekha Musale i/b. Mr. Biju A. Aloor, Advocate for the applicant.
Mr. Vinod Chate, APP, for the State.
Mr. R.B.Lokhande, PI, Dattawadi Police Station, Pune, present.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 5th December, 2016.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 5.5.2015 in Crime No.120/2015 registered at Dattawadi Police Station, Pune. The investigation is completed and charge-sheet is filed against the accused-applicant for the offences punishable under Sections 302, 143, 147, 148, 149 of the Indian Penal Code.

2. At the threshold, the learned APP, upon instructions, submitted that in the present case i.e. in Sessions Case No.763 of 2015, the trial has commenced. Charge is framed. In view of this, the Court is not inclined to grant bail.

3. The learned counsel for the applicant submits that she desires to argue the application for enlargement on bail on merits.

4. Heard the learned counsel for the applicant.
5. It is the case of the prosecution that on 4.5.2014, the deceased had been to watch the ceremony at Urus along with his family members i.e. his brother, father, sister and other members of the family. While they were watching the ceremony, his brother was hearing music. In the meanwhile, the boys residing in the same area i.e. Chaitya Ranadive, Sharavanya Burungale and 3 – 4 boys had mounted assault upon him with various weapons, including scythe. That the statement of the father of deceased Nitin was recorded on the same day i.e. on the day of the incident i.e. 4.5.2015. He has named the present applicant as the person who had assaulted deceased Nitin along with other accused persons.
6. Upon perusal of the papers of investigation, it is seen that the cause of death was traumatic and haemorrhagic shock due to chop injuries over head. The fatal injury on the head is attributed to the present applicant. In view of this, the applicant does not deserve to be enlarged on bail. Hence, the application being sans merits, stands rejected.

(SMT. SADHANA S.JADHAV, J.)