

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1171 OF 2016

Sunil Ganpat Gaud.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

None for Applicant.

Mr. Prashant Jadhav, APP for State.

Mr. D.V. Kalange, Police Naik, Pusegaon Police Station, Satara.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : OCTOBER 13, 2016**

P.C.:

1 The appointed advocate is not present.

2 The learned APP has placed on record the compilation of the charge-sheet in Crime No. 95 of 2014, wherein the applicant is charge-sheeted for an offence punishable under Section 302, 381 of the Indian Penal Code. It appears from the papers of investigation that on 8/1/2014 Kishore Vidhate lodged a report at the police station alleging therein that his mother Smt. Suman Vidhate was

assaulted by the present applicant with an axe. It appears that the applicant had stolen the golden ornaments of the deceased, her cell phone and other valuables. He had kept the bag containing stolen articles in a pan stall, named as Dilkhush Pan Shop. There is incriminating material against the present applicant. There are witnesses to the said incident.

3 Taking into consideration the compilation of charge-sheet, the applicant does not deserve to be enlarged on bail. The post mortem report also shows that the deceased had sustained four incised wounds and two contused lacerated wounds. The cause of death is due to hypodermic shock due to severe neck injuries. In this view of the matter, the applicant does not deserve to be enlarged on bail. Hence, the application stands rejected.

4 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The

learned Sessions Judge shall not be influenced by the same at the time of trial.

5 The application is disposed of accordingly.

6 The Office to communicate this order to the applicant, who is at present lodged in Satara District Prison, Satara.

(SMT. SADHANA S. JADHAV,J)