

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1224 OF 2016

Santosh Sham Kotewad

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Aniket U. Nikam Advocate for Applicant.

Mr. R. M. Pethe APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 25th NOVEMBER, 2016.

PC :

1) Heard. This is an application under section 439 of the Code of Criminal Procedure, 1973. Applicant herein is arrested on 05/06/2015 in crime no. 185 of 2015 registered at Bhadrakali Police Station, Nashik Investigation is completed and charge-sheet is filed on 11/08/2015.

2) It is the case of prosecution that on 31/05/2015, Sajan Thakare lodged a report at the police station alleging therein that on 31/05/2015, he was accompanied by his friend Shailesh. When Shailesh went to buy a bottle of Bisleri water, some boys had come to the said stall. There was verbal

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altercation between Shailesh and other boys. Said verbal altercation had taken an ugly turn. When they left the stall, the boys had mounted assault upon Shailesh. One of the boy who had initiated the quarrel had stabbed Shailesh to death. Crime no. 185 of 2015 was registered against unknown persons.

3) In the course of investigation, present applicant was arrested. There are eye witnesses to the incident. Coloumn no. 17 of the post mortem notes would show that there was a stab wound on the front side of the chest which was fatal to the deceased Shailesh. It was a brutal injury, sufficient to cause death in ordinary course of nature. Applicant herein has been identified as the person who has stabbed Shailesh to death. Besides, the learned APP has placed on record the report by P.I. of Bhadrakali Police Station which shows that there are as many as 21 offences registered against the present applicant at various police stations in and around Nashik. He is being prosecuted for offence punishable under sections 392, 395, 307, 363 of the Indian Penal Code. Applicant has been identified at the test identification parade.

4) Taking into consideration the papers of investigation, the act attributed to the applicant and the memorandum of test identification parade, this Court

is of the opinion that the applicant does not deserve to be enlarged on bail.

5) Application stands rejected.

(SMT. SADHANA S. JADHAV, J.)