

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1281 OF 2016

Mahesh Kailash Bhingardive	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Satyavrat Joshi, Advocate for the applicant.
Mr. R.M.Pethe, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 18th November, 2016.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant is arrested on 31.7.2015 in Crime No. 241 of 2015 registered at Shirur Police Station, Pune. The investigation is completed and the applicant herein is charge-sheeted for the offence punishable under Sections 302, 394, 397 read with Sections 34 and 120B of the Indian Penal Code.

2. It is the case of the prosecution that on 19.7.2015, Suraj Satarkar lodged a report at the police station that his father had a Lottery Centre. They own an Activa Motorcycle. Everyday at 9 p.m. he comes to fetch his father from the shop. On 18.7.2015, as usual, he had been to the

shop to fetch his father. On their way to the house, he noticed two persons standing on the road. They were armed with wooden logs. They had obstructed the way. The father of the first informant was driving the motor-cycle Activa. One of the persons had assaulted the first informant on his head. The father and son had fallen on the road and thereafter both boys had assaulted his father on the head twice and soon thereafter they had opened the dicky of the Scooty and had taken away Rs.39,000/- On 20.7.2015, Prakash Satarkar succumbed to the injuries in the hospital.

3. In the course of investigation, it was revealed that the present applicant had kept a watch on the shop of the deceased and was fully aware that everyday at 9 p.m. he returns home with the amount that is collected in the Lottery centre. He had prepared a plan for the other two accused who are Deepak Baban Gunjal and Prakash had assaulted Prakash Satarkar. The applicant had similar criminal antecedents. It appears that the applicant is a habitual offender. In the present case, he was an informer of the co-accused and had prepared a plan of assault and theft. Hence, the application being sans merits, stands rejected.

4. The observations are restricted to an application under Section 439 of

Cr.P.C. and the learned Sessions Judge shall not be influenced by the same at the time of trial.

The application stands rejected.

(SMT. SADHANA S.JADHAV, J.)