

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1489 OF 2016

Jeevan Raghuram Baikar

.....Applicant

V/s.

State of Maharashtra

.....Respondent

* * * * *

Mr. K.S. Patil, Advocate for the applicant.

Ms. Sharmila Kaushik, APP for the respondent, State.

Mr. G.R. Patil, Police Inspector, Shivajinagar Police Station,
Ambernath present.

CORAM :- N. W. SAMBRE, J.

DATED :- 15TH DECEMBER, 2016.

P.C. :-

1). The applicant is seeking regular bail in Crime No. I-203 of 2015 registered with Shivaji Nagar Police Station for the offences punishable under Sections 302, 143, 144, 147, 148, 149 Indian Penal Code.

2). It is the prosecution case that, the present applicant acting in aid of other co-accused has murdered one, Nikhil Ramesh

Sidhu on 22nd June, 2015 resulting into his arrest on 26th June, 2015.

3). The Learned Counsel for the applicant submits that, there is hardly any material to name the present applicant to the crime in question. According to him, one of the eye witness to the incident has named him as an active participant in the crime in question. The Counsel would then take me through the statement of witness namely, Vikas and a fellow worker, Subhash with whom deceased, Nikhil was working so as to substantiate his contention that he is not named by the accused in their statement. He has also invited my attention to the identification parade, panchanama drawn so as to draw inference that the applicant was not identified.

4). The learned APP opposes the application on the ground that the applicant is involved in a serious offence. There is sufficient material available against him. According to her, the submissions qua lacuna in identification parade cannot be appreciated as the same amounts to appreciation of evidence which is not permissive at this stage.

5). Considered the rival submissions. It is to noted that the applicant came to be arrested in the crime in question after a period of 4 days of the incident and as such the recovery of blood stained clothes is not there. The applicant is named as accused being friend of Nutan and Meghraj, main accused who has invited the applicant for commission of the crime in question. The prosecution story as could be appreciated from the statement of the witness is, pursuant

to the phone call of co-accused Meghraj, the applicant armed with deadly weapon came on the spot with an intention to commit crime.

6). Though in the identification parade, the applicant is claimed to have not identified, however, same can be considered only for corroboration purpose and cannot be gone into at the stage of consideration of bail.

7). There is sufficient material to infer the involvement of the applicant in a serious crime. No case for bail is made out. Hence, the Bail Application is rejected.

(N.W. SAMBRE, J)