

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

CRI. BAIL APPLICATION NO. 1495 OF 2016

Santosh Ashok Gaikwad ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Prashant M. Patil, Advocate for the Applicant.

Mr. Arfan Sait, A.P.P. for the Respondent – State.

PSI- Mr. V. G. Pawar (Bhor Police Station, Pune) is present.

CORAM : A. M. BADAR, J.

DATE : 29th JULY, 2016

P.C. :

1 The applicant/accused in Crime No. 59 of 2016 registered with Bhor Police Station, Pune for the offences punishable under sections 302, 323, 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code by this application under section 439 of the Criminal Procedure Code is seeking bail.

2 Heard the learned counsel appearing for the Applicant/accused. He argued that the applicant is a friend of co-accused nos.1 and 2 and he had been at the spot of incident. However, considering the record of the investigation it cannot be said that the applicant had participated in the crime in question with requisite knowledge and intention. Learned

counsel for the applicant argued that all witnesses are relatives of the deceased and as such there is no question of tampering evidence of the prosecution. He further argued that the investigation qua the present applicant is already over.

3 Learned APP opposed the application by contending that the evidence of the witnesses shows that the present applicant is holding Yunus Abdul Pinjari (since deceased) for facilitating the rest of accused persons to commit the crime.

4 Perused the record of investigation. It is seen that Yunus Pinjari (since deceased) and his relatives had been to the place of Ganesh Pawar and busted crackers for celebrating the out come in their favour of the criminal case under Negotiable Instruments Act. These criminal complaints were initiated by Yunus Pinjari against Ganesh Pawar. Because of victory celebration by Yunus Pinjari and his family members, the family members of the applicant / accused family became angry and according to the prosecution case they assaulted members of the prosecuting party including Yunus Pinjari. In that assault, Yunus Pinjari succumb to the injuries. Rest of the witnesses, who are his family members were also injured.

5 Perusal of the record of the investigation which goes to show that witnesses have averred that the present

applicant had caught hold of Yunus Pinjari (since deceased) and co-accused assaulted him thereby causing his death.

6 The investigation is still in progress and it cannot be said that qua the present applicant it is over. As such at this stage, the applicant cannot be released on bail and therefore, the order :

7 The bail application is rejected.

(A. M. BADAR, J.)

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