

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1525 OF 2016

Sudhir @ Sangram Babaso Rupner

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Kedar J. Patil Advocate for Applicant.

Mr. Prashant Jadhav APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : OCTOBER 18, 2016.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 29/03/2015 in crime no. 24 of 2015 registered at Kadegaon Police Station, Dist. Sangli for offence punishable under sections 302 r/w 34 of the Indian Penal Code.

2) It is the case of the prosecution that on 27/03/2015, Sagar Yadav lodged a report at the police station alleging therein that there were intermittent quarrels between students of Abhijeet Kadam Prashala and Junior College Amrapur and students of Kadegaon College. That on the day of the incident i.e. on 25/03/2015 when they were at Amrapur, boys of Amrapur college

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namely Prakash Gadhale and others came to the spot on the pretext of settling the scores between both colleges. Prakash Gadhale was accompanied by his friends/associates. That Prakash Gadhale caught hold of Suraj Yadav and thereafter his associate had had rushed towards Suraj Yadav and stabbed him repeatedly. He was taken to the hospital. That present applicant is alleged to be the associate with Prakash Gadhale and had facilitated the assault upon Suraj Yadav. The injured succumbed to the injuries instantly.

3) Papers of investigation show that there are several eye witnesses to the incident. Statements of the eye witnesses clearly show the involvement of the present applicant in the said offence. That Suraj Yadav was brutally assaulted. The cause of death is :

“Death due to haemorrhage shock due to intraabdominal bleeding due to stab injury to Rt. Lobe of liver due to hard and sharp object.”

4) Taking into consideration the fact that this is a case of direct evidence, there are several witnesses to the incident who have spelt the role of the present applicant, applicant would not be entitled to be enlarged on bail.

5) The learned counsel for the applicant submits that applicant is a student and he deserves an opportunity. It is also submitted that there were

intermittent quarrels between group of Prakash Gadhale and therefore there was a quarrel.

6) The said submissions cannot be taken into consideration in view of the fact that there is direct evidence against the applicant. Hence, application deserves to be rejected. It is made clear that observations made herein above are restricted to application under section 439 of the Code of Criminal Procedure, 1973 and shall not be considered at the time of trial.

7) Application stands rejected.

(SMT. SADHANA S. JADHAV, J.)