

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1745 OF 2016

Bala @ Rohit Milind Awsaramal ...	Applicant/
Vs.	Accused
The State of Maharashtra ...	Respondent

Mr. Vikram Chavan, Advocate for the applicant.
Mr. Vinod Chate, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 24th November, 2016.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 14.12.2015 in Crime No.318/2015 registered at Chinchwad Police Station for the offences punishable under Sections 302, 143, 144, 147, 148, 149 of the Indian Penal Code. The investigation is completed and charge-sheet is filed. The case is committed to the Court of Sessions and is registered as Sessions Case No.210 of 2016.

2. It is the case of the prosecution that on 12.12.2015, Sheela Landge wife of Vijay lodged a report at the police station alleging therein that on 12.12.2015, her sister-in-law (husband's sister) informed her that her husband Vijay was assaulted by the boys in the locality and that he was

admitted in CM Hospital. She rushed to the hospital. There she learnt that at night there was a quarrel between Raju Waghela and his father. That Vijay had tried to intervene. The intervention was objected. She also learnt that Sanjay Waghela i.e. the present applicant and others had assaulted her husband. On the basis of the said report, the offence is registered against the present applicant and he is taken into custody.

3. The learned counsel for the applicant submits that in fact, there was a quarrel between father and son and the present applicant was not concerned with the same. It is also submitted that the independent witness has not attributed any overt act to the present applicant and it is only the interested witness i.e. Rohini Waghela has named the present applicant. There is allegation against the present applicant that he had mounted assault upon deceased with a big stone. The cause of death is head injury. There is ocular evidence in the present case which would prevail over any other evidence. At this stage, it would not be appropriate to disbelieve the eye-witnesses. Hence, the application being sans merits, stands rejected.

(SMT. SADHANA S.JADHAV, J.)