

Dond

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1866 OF 2015

Mr. Omkar @ Gabbar Amarnath Yadav

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Ashutosh Kale i/b D.A. Upadhyay for Applicant.

Ms. S.D. Shinde, APP for the State.

CORAM: A.S. GADKARI, J.

DATE : 18th January 2016.

P.C.

1 The applicant is seeking bail in CR No.196 of 2013 registered with Turbhe Police Station, Navi Mumbai under Sections 302 of the Indian Penal Code.

2 The alleged incident took place on 27.11.2013. The applicant along with his friends had been to the house of Nainesh Sheth at Seawood, Nerul for a liquor party. At the end of party there was altercation between the applicant and the deceased Mahindrakumar. That when the deceased and other friends were at footpath the applicant came there at about 10.15 p.m. and started abusing deceased Mahindrakumar. As the deceased

Mahindrakumar was totally under the influence of alcohol he could not get up from the place. At that time the applicant took out a sickle from the adjoining sugar cane juice centre and inflicted blow of the same on the head and other parts of the deceased Mahindrakumar. That the deceased Mahindrakumar succumbed to the injuries and was declared dead prior to admission in the hospital. After the lodgment of the first information report dated 28.11.2013, the Police carried out the investigation and the chargesheet has been filed.

3 The record discloses that the eye-witness Shankar Rathod has specifically stated that the applicant took out a sickle from the adjoining sugarcane juice centre and inflicted blows on the head and other parts of the deceased Mahindrakumar. The post-mortem notes corroborate the said version. The postmortem notes discloses that there were multiple chopped wounds over the left side of the face of the deceased Mahindrakumar. There was cut throat injuries and other incised woulds on the person of the deceased Mahindrakumar. The record discloses that the alleged sickle used and the clothes which were on the person of the applicant at the time of the commission of offence have been recovered at his instance. The said sickle and the clothes were having blood stains on it.

4 There is evidence on record which corroborates the statement of the said eye-witness. Taking into consideration the aforesaid facts and evidence on record which clearly shows the complicity of the applicant in a gruesome murder, I am of the opinion that the this is not the fit case to release the applicant on bail. Hence, the application is rejected.

(A.S. GADKARI,J.)