

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1870 OF 2015**

1. Bhima Dhondu Shingade,	
2. Aakash Shekhar Talwar,	
3. Sandip Bhagu Margale	...Applicants
Versus	
State of Maharashtra	...Respondent

Mr. Niranjana Mogre with Mr. Ravi Shinde i/b Mr. Sachin Thombare for the Applicants

Ms. Veera Shinde, A.P.P for the Respondent-State

API Mr. Arvind B. Kate from Lonavala Police Station is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 26th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P for the State.

2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. 236 of 2014 registered with the Lonavala Rural Police Station, for the alleged offence punishable under Sections 302 r/w 34 of the Indian Penal Code.

3. The complainant is Sapna @ Sana Khan, who is the wife of the deceased – Shehbaz Khan. According to the complainant, the deceased left home on 27th February, 2014 at about 11:00 p.m. along with the present applicants and the incident has taken place on 28th February, 2013 at about 2:00 a.m. According to the complainant, she was informed by Rameez Ansari that the present applicants and co-accused Sunny Salunke had assaulted the deceased with wooden logs, pursuant to which, he was admitted to Parmar Hospital, where he succumbed to the injuries.

4. Learned Counsel for the applicants submitted that the applicants are young boys with no antecedents, whereas, the deceased and the eye-witnesses have antecedents. He submitted that the possibility of false implication of the applicants cannot be ruled out.

5. Learned A.P.P opposes the bail application.

6. Perused the charge-sheet. There is an eye-witness to the incident of assault by the applicants on the deceased. Rameez Ansari, who

is an eye-witness to the assault had specifically stated how applicant No. 2 Aakash Talwar assaulted the deceased with an iron rod and thereafter, the manner in which all the other accused assaulted the deceased with wooden logs and fist and kick blows. Rameez Ansari's statement has also been recorded under Section 164 which is identical to the statement recorded under Section 161. Apart from the aforesaid, there is recovery of the bloodstained iron rod and bloodstained clothes at the instance of applicant No. 2 and recovery of wooden sticks at the instance of applicant Nos. 1 and 3.

7. The applicants have been specifically named by the eye-witnesses and have been attributed with a specific overt act. There is also recovery *qua* the applicants. Considering the same, this is not a fit case to grant bail to the applicants. Accordingly, the application is rejected.

8. It is made clear that the learned Judge shall conduct the trial on its own merits, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.