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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1919 OF 2015

Kunden Baburao Ghadge ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr.Rajiv Patil, Senior Advocate i/b. Mr.Vipin Bidkar for the applicant.

Mrs.Veera Shinde, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 4TH JULY, 2016

P.C. :-

1. Applicant / accused in Crime No.269/2014 registered with Bharati Vidhyapeeth Police Station, Pune for offences punishable under section 302, 395, 143, 145, 147, 148, 149, 120B and 201 of the Indian Penal Code by this application is praying for releasing him on bail during the pendency of trial.

2. Heard the learned senior counsel appearing for the applicant / accused. The learned senior counsel by taking me through the statement of first informant Sanjay More so also

those of Babulal Laxman, Chandrakant Hemant Yadav and Rahul Adagale argued that they had named one Sharma and main accused Bala Chaudhari as persons in firing bullet at deceased Parshuram @ Abha Jadhav. The learned senior counsel argued that these eye witnesses are not naming the present applicant as a person who fired bullet at the deceased. The learned senior counsel further argued that in the test identification parade, no witness has identified the present applicant. Except seizure of a country made revolver, there is no evidence against the present applicant. The learned senior counsel pointed out the order dated 28th July, 2015 passed by this Court in Bail Application No.944 of 2015 whereby co-accused Sachin Adagale came to be released on bail by this Court for seeking parity.

3. I have also heard the learned APP appearing for the State. By pointing out the Blastic Expert's report, she submitted that the revolver recovered at the instance of the applicant is seen to be used for firing bullet at deceased Parshuram @ Abha Jadhav. The learned APP further argued that considering the nature of the crime, the applicant is not entitled to bail.

4. Perused the charge-sheet. Deceased Aba @ Parshuram Jadhav was called at an area known as Gujkar Nimbakarwadi by accused Bala Chaudhari with a proposal for purchase of land. According to the prosecution case, Parshuram @ Abha Jadhav went to the spot accompanied by his associates on 20th June, 2014. It is the case of the prosecution that under the guise of showing him land, Parshuram @ Abha was murdered by accused persons by forming an unlawful assembly and by indulging in firing bullets at Parshuram @ Abha.

5. Perusal of statements of eye witness Babulal Laxman, Laxman Chandrakant Hemant Yadav and Rahul Adagale goes to show that apart from accused persons named as Sharma and Balu Chaudhari, two to three more accused persons have fired bullets at deceased Parshuram @ Abha Jadhav.

6. On 2nd July, 2014 on the basis of voluntary disclosure statement of present applicant, a country made revolver came to be seized. It was subjected to forensic

examination. Report of the Ballistic Expert shows that bullet found in the dead body of Parshuram @ Abha was fired from the country made revolver recovered at the instance of the present applicant.

7. In this view of the matter, considering the nature of offence and the manner in which the deceased was done to death, no case for bail is made out. It is worthwhile to note that the post mortem report reveals that the deceased was having atleast 11 bullet injuries on his person. Hence the order.

The application is rejected.

(A.M.BADAR, J.)