

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2127 OF 2016

Saikumar Ambaji Kandikonda.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Ritesh Thobde, advocate for Applicant.

Mr. Rajan Salvi, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : OCTOBER 17, 2016**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 23/5/2016 in Crime No. 233 of 2016 registered at MIDC Police Station for offence punishable under section 302 of the Indian Penal Code.

3 It is the case of the prosecution that on 23/5/2016 Ajay Gaddam lodged report at the police station alleging therein that on 22/5/2016 at about 10.15 p.m. when he was passing through Rajratnanagar road, he saw that Vicky was sitting in the shop of Raju Gaudgavkar who was selling sand and tiles. Vicky has called upon Ajay. While they were talking each other, at about 10.30 p.m. Saikumar Kadikonda i.e. present applicant had taken seat next to them and was insisting upon Vicky to return Rs. 500/-. That he had strangled Vicky i.e. the deceased namely Vicky Sandupatla. He had banged the head of Vicky on the floor. Vicky instantly had become unconscious. He was taken to the hospital. He was taken to the hospital by Yogesh Hegde and Shriniwas Pitha. He was taken to Gullapalli Nursing Home and since the doctor was not available, he was taken to Civil Hospital, Solapur. The first informant happens to be the eye witness.

4 Perused the post mortem notes, which clearly indicated that there was strangulation. The cause of death is compression.

However, the doctor has reserved the opinion in respect of cause of death. It is clear that there is ocular evidence to the effect that the applicant has caused homicidal death of the deceased Vicky. Taking into consideration the ocular evidence and the statement of Yogesh Hegde and Shriniwas Pitha as well as first informant under section 164 Cr.P.C., the applicant does not deserve to be enlarged on bail.

5 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of trial.

6 The application being sans merits stands rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)