

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

CRIMINAL BAIL APPLICATION NO. 2143 OF 2015

Rohan @ Gotya R. Telang ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Ms. Nagma Tandon for the Applicant

Mr. .J.H.Ramugade, APP for the Respondent-State.

Mr.I.U.Patel, Police Constibale , Bivewadi Police station, Pune present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : JANUARY 21, 2016.

P.C.

1. This is an application for bail filed by the aforesaid applicant who is facing trial in Sessions Case No.246 of 2015 for offences punishable under Section 302, 143, 147, 148, 149, 120-B of the Indian Penal Code r/w. Section 37(1) of the Bombay Police Act and Section 135 , 4(25) of the Arms Act.

2. The case of the prosecution in brief is that the applicant was one of the members of the unlawful assembly, armed with deadly

weapon, and committed murder of one Navnath Salunke. The applicant was arrested in the aforesaid crime and upon completion of investigation chargesheet was filed. The applicant had filed an application for bail before the Sessions Court, Pune, but the same was dismissed by the learned Addl. Sessions Judge, Pune vide order dated 17.10.2015. Hence the present application.

3. Ms. Tandon, the learned Counsel for the applicant submits that there is absolutely no material to link the applicant with the crime. She stated that the statement of the witnesses are recorded after considerable delay, after the name of the applicant was recorded in the newspaper. She has stated that the applicant is in custody since last over one year and that further detention is not justified.

4. The learned APP submits that the deceased has sustained as many as 36 injuries. He has further stated that one of the eye witnesses had identified the applicant and further that the weapon of offence has been recovered at the instance of the applicant. I have perused the record and considered the submission advanced by the

learned counsel for the applicant and the learned APP for the State.

5. The records reveal that on 15.10.2014 at about 10 p.m. one Navnath Salunkhe was assaulted by a group of boys in the age group between 20 to 22 years, by deadly weapon such as koyta, and that he was lying in a pool of blood. Said Navnath Salunkhe was shifted to Sasoon Hospital, where he was declared dead. The postmortem report indicates that he had sustained 34 chop wounds and incise wounds. The medical records indicate that said Navnath was murdered in a most brutal manner.

6. The statement of one of the witnesses prima facie reveals that he had seen the applicant inflicting the injury on the deceased. Furthermore, the record indicates that one sickle was recovered at the instance of the applicant.

7. The aforesaid material, in my considered view, prima facie shows the involvement of the applicant in commission of the said crime. Considering the gravity of the offence and the manner in

which the deceased was murdered, in my considered view, this is not a case for grant of bail.

8. Under the circumstances, and in view of the discussion supra the application is dismissed. Applicant is at liberty to file fresh application after the evidence of eye witness and the witness to the recovery panchanama is recorded.

(ANUJA PRABHUDESSAI, J.)