

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

**CRIMINAL APPLICATION NO. 1372 OF 2016
IN
CRI. APPEAL NO. 763 OF 2014**

Ramprasad Bhagwati Choudhary .. Applicant

Vs.

The State of Maharashtra .. Respondent

....
Ms. Farhana Shah advocate appointed for the Applicant
Mr. Arfan Sait A.P.P. for the State
....

**CORAM : SMT.V.K.TAHILRAMANI AND
MRS. MRIDULA BHATKAR, JJ.**

DATED : NOVEMBER 25, 2016

ORAL ORDER [PER SMT. V.K.TAHILRAMANI, J.] :

1 Heard both sides.

2 The applicant has preferred this application through jail praying for temporary bail on the ground that his mother who is 65 years of age, is ailing and his sister has reached marriageable age.

3 The applicant has been convicted under Section 302 of IPC for causing the death of Pankaj. The prosecution case is that the applicant contacted PW 7 Shahrukh and asked him whether he can get a job with the deceased. The deceased was a tailor by profession. Shahrukh referred the applicant to Pankaj alias Chotu. Thereafter the applicant started working with Pankaj. The applicant and Pankaj were residing together in one room. The room of PW 1 Shankar who is the complainant in the present case, was situated next to the room of the applicant and deceased. On 15.11.2004 Shankar had his dinner and went to bed. At about 2.15 a.m. from the adjoining room i.e. the room occupied by the applicant and deceased, he heard sound of weeping. Thereafter there was noise from that room as if someone was in pain. So Shankar woke up and went to that room. At that time PW 5 Fulchand and PW 8 Chandrabali who were living nearby, also came to that room to see what had happened. The door of the room of Pankaj was closed from inside. The tube-light was on. They knocked on the door of the room occupied by Pankaj to see what had happened but there was no response. All these persons tried to open the door but the door could not be opened. At that

time, noise from that room stopped. Immediately thereafter, the applicant came from inside the room. The applicant was holding weapon (scissor) in his hand. It was blood stained. In the other hand, he was holding clothes which were rolled up and covered. The applicant came out of the room and threatened all the persons who had gathered outside the room and ran away. When Shankar and other persons entered the room, they saw Pankaj lying dead in the room. 29 injuries were found on the body of Pankaj.

4 The learned A.P.P. pointed out that after the incident, the applicant ran away to Uttar Pradesh from where he was arrested. The learned A.P.P. vehemently opposed the prayer even for temporary bail stating that the grounds on which the temporary bail is sought, are vague. He pointed out that nature of the illness of the mother of the applicant is not stated. No medical certificate has been annexed to the application to support the claim of the applicant that his mother was suffering from any ailment. The learned A.P.P. further submitted that if the applicant is granted even temporary bail, he may abscond. Looking to the evidence on

record and the other facts and circumstances, we are not inclined to grant even temporary bail to the applicant. Application is rejected.

5 Office to communicate this order to the applicant who is in Visapur Open Prison.

[MRS. MRIDULA BHATKAR, J.]

[SMT. V.K.TAHILRAMANI, J.]

kandarkar