

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 227 OF 2017**

Pravin @ Pinkya Abhimanyu Lokhande ...Applicant

Versus

State of Maharashtra ...Respondent

Mr. Ganesh Gole I/b Mr. Shirodkar Ateet for the Applicant

Mr. Prashant Jadhav, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 21st APRIL, 2017

P.C. :

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

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-126 of 2016 registered with the Khopoli Police Station, Raigad, for the alleged offences punishable under Sections 302 and 201 of the Indian Penal Code.

3. Learned Counsel for the applicant submitted that the applicant has been falsely implicated in the said case. He submitted that the first

informant-Lata Yadav, wife of the deceased-Ramesh Yadav has lodged a complaint on 14th May, 2016, alleging the aforesaid offence as against unknown persons. He submits that though the complaint was lodged against unknown persons, the applicant was arrested on 14th May, 2016 at about 10:00 p.m. He submits that there was no basis for his arrest nor any suspicion was expressed by the complainant. He submitted that in the supplementary statement, the first informant has stated that she was informed by the police that the present applicant has confessed to the crime and that he had killed the deceased with a hockey stick, on account of some old dispute. He further submitted that the statements of the alleged eye-witnesses are doubtful, inasmuch as, they have been recorded belatedly i.e. on 16th May, 2016. He submitted that even the recovery *qua* the applicant is doubtful and that the entire case is fabricated. According to him, the first informant has not even alleged any motive as against the applicant.

4. Learned A.P.P opposed the application.
5. Perused the papers. Admittedly, the complainant is not an eye-witness and the complaint is lodged as against unknown person. It appears

that the statements of the eye-witnesses were recorded on 16th May, 2016. In the said statements, the eye-witnesses have stated that they had seen the applicant assaulting the deceased with a hockey stick. There is also an extra-judicial confession made by the applicant to Mayur More. In the said statement dated 18th May, 2016, Mayur More has stated that when he saw the applicant on 14th May, 2016 at 3:30 a.m., the applicant had a hockey stick which was broken into two pieces in his hand and was loudly saying that he had just committed a murder, and that if anybody disclosed his name, he will murder the said persons. There is also recovery of blood stained hockey stick and clothes at the instance of the applicant on 18th May, 2016. The post-mortem report shows that the deceased had sustained several injuries and fractures. The doctor has also given opinion that the injuries found on the deceased could have occurred with the wooden stick. The submission of the learned Counsel that the statements of the witnesses were recorded belatedly, is a matter, which will be decided at the trial and is a matter of evidence. *Prima facie*, there is sufficient material to show the complicity of the applicant. This is not a fit case to enlarge the applicant on bail. Hence, the application is rejected.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.