

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 218 OF 2017**

Pravin Rajendra Nagargoje	...Applicant
Versus	
State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO. 97 OF 2017
(FOR INTERVENTION)
IN
CRIMINAL BAIL APPLICATION NO. 218 OF 2017**

Nitin Neminath Late	...Intervener
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IN THE MATTER BETWEEN :

Pravin Rajendra Nagargoje	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Sanjay B. Gholve for the Applicant

Mr. Deepak Thakare, A.P.P for the Respondent-State

Mr. Abhay Jodhavar i/b Mr. S. K. Hande for the Intervener in
APPP/97/2017

PSI Mr. D. S. Jamdade from Vairag Police Station, Solapur is present.

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 4th 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. 86 of 2016 registered with the Vairag Police Station, for the alleged offences punishable under Sections 302, 307, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act.

3. Learned Counsel for the applicant states that the applicant was not present at the spot at the time of the alleged incident and has been falsely implicated, because of an earlier case. Learned Counsel for the applicant states that no specific role has been attributed to the applicant in the commission of the offence. He submits that it is a general allegation against all the accused.

4. Learned A.P.P opposed the bail application. He submits that the similarly placed co-accused Chagan Abbas Late's bail application was rejected by this Court on merits.

5. Perused the papers. The incident has taken place on 1st April, 2016 at about 8:00 a.m. The complainant Nitin Late is an eye-witness of

the incident of assault on his brother Prakash. He has specifically disclosed the name of the applicant as being one of the assailants along with the other co-accused. He has stated that all the accused, including the applicant, assaulted the deceased with axe, iron rod and sticks. A perusal of the post-mortem report shows that deceased-Prakash had sustained as many as 21 injuries, including stab injuries and fractures. There are eye-witnesses to the said incident. Although there is a general allegation against all the accused, it is evident from the facts, that all of them shared the common object. At the same time, similarly placed co-accused-Chagan Late's application has been dismissed by this Court vide order dated 23rd November, 2016 passed in Criminal Bail Application No. 2209 of 2016.

6. Considering the aforesaid, the application is rejected. The plea of alibi will be considered by the trial Court at the stage of trial and cannot be gone into today, at this stage.

7. 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.

8. In view of the above, nothing survives for consideration in the intervention application being Criminal Application No. 97 of 2017. The same stands disposed of.

REVATI MOHITE DERE, J.