

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 345 OF 2017**

Tushar Kanhu Jadhav

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Satyam H. Nimbalkar for the Applicant

Mr. Sooraj S. Hulke, A.P.P for the Respondent-State

Sr. PI Mr. N. K. Ghogare, from Dighi Police Station, is present.

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 26th 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. 121 of 2016 registered with the Dighi Police Station, for the alleged offences punishable under Sections 302, 143, 147, 148, 149 of the Indian Penal Code and Section 4(25) of the Arms Act and Section 37(1)(3) r/w 135 of the Bombay Police Act.

3. Perused the papers. The incident in question has taken place on 15th July, 2016 at 3:30 a.m. The complainant is Shubham Fuge, the son of deceased-Dattatraya Fuge. He has stated that his father had called him on 14th July, 2016 and had asked him to bring food with him. He has stated that when he reached the spot, he saw the accused assaulting his father-Dattatraya Fuge. The complainant has named about 9 to 10 accused and has stated that along with the said persons, there were two unknown persons. The complainant has subsequently identified the applicant in the identification parade. Apart from the aforesaid, the applicant's name has also been disclosed by Mohan Suryawanshi. Mohan Suryawanshi, in his statement, has specifically stated that the applicant was assaulting the deceased with a koyta. As far as the statement of Rohan Panchal is concerned, there is some discrepancy in his 161 and 164 statements. Rohan Panchal in his 161 statement has although mentioned the name of the applicant as having assaulted the deceased with fist and kick blows, in his 164 statement, he has not disclosed the applicant's name. The deceased sustained four injuries, which includes chop wounds. The probable cause of death is stated to be head injury. Apart from the aforesaid, the deceased wife's statement shows that it was Tushar and Atul who had come home to

take the deceased. The said statement shows that the applicant was last seen in the company of the deceased.

4. Considering the material on record, this is not a fit case to enlarge the applicant on bail. Application is rejected.

5. 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.