

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

**CRIMINAL APPLICATION NO.264 OF 2017
IN
CRIMINAL APPEAL NO.22 OF 2015**

Shri.Abhijit @ Chochya Ashok Sangare... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

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Mr.Shekhar Jagtap with Mr.Akshay Kapadia, Advocate for the Applicant.

Mr.H.J.Dedia, APP for the Respondent/State.

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**CORAM : SMT.V.K.TAHILRAMANI &
A. M. BADAR JJ.**

DATED : 27nd FEBRUARY 2017.

P.C.

1 Heard both sides.

2 The applicant, who is original accused No.3 has been convicted for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code. The applicant is now seeking bail.

3 It is the prosecution case that the applicant along with two others assaulted Amol @ Prasant with iron bar and wooden log and caused his death. There are four eye witnesses to the incident, however we make mention of P.W.No.5 Manisha who is an eye witness to the incident. Manisha has stated that she knew the applicant, as he was residing in Giriraj Housing Society. On 03/05/2012, she went to college. At about 11.00 a.m. the applicant met her at Amar Deep Chowk. The applicant told her that he wants to speak with her. Manisha got frightened and she made a phone call to her mother and disclosed this fact to her mother. Thereafter her mother came there along with Amol @ Prashant. Her mother asked the applicant why he is harassing her (Manisha). Amol @ Prashant also tried to give understanding to the applicant Abhijeet upon which Abhijeet told him that he is not connected with the issue and he would see him (Amol) later. Persons gathered at the spot. Thereafter, the applicant went away. On the same day at about 2.30 p.m. Manisha heard shouts. She, her mother and others came down to the ground floor and there they saw the applicant and two other boys assaulting Amol @ Prashant with iron bar and wooden log.

4 On going through the evidence on record, we do not think it a fit case for grant of bail. The application for bail is rejected, however hearing of the appeal is expedited.

(A. M. BADAR J.) (SMT. V. K. TAHILRAMANI J.)