

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 620 OF 2016

Rakesh Suresh Mali	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Suraj Jaywant Bansode, Advocate for the applicant.
Ms. R.M.Gadhvi, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 6th January, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 10.8.2015 in Crime No.363 of 2015 registered at Mulund Police Station initially under Sections 307, 506(II), 504 read with Section 34 of the Indian Penal Code. The victim had succumbed to the injuries and therefore after completion of investigation, charge-sheet is filed against the present accused for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code. The case is committed to the Court of Sessions and is registered as Sessions Case No.924 of 2015. The charges are framed and hence it can be inferred that the trial has commenced.

2. It is the case of the prosecution that on 10.8.2015, Kumari Maria lodged a report at the police station that when her friend Pravin Jadhav was in her house, the present applicant along with original accused Nos. 1 and 2 had been to her house and questioned Pravin about the earlier incidents and at that time Balu Sasane assaulted Pravin Jadhav with an iron rod and wooden bamboo by Shushant Lakhan. The present applicant had obstructed the first informant and her mother from making any attempts to rescue Pravin Jadhav. Besides, the present applicant had also obstructed them from taking Pravin Jadhav to the hospital. Pravin had sustained grievous injuries to his head. In the eventuality of instant medical aid, he could have been saved. However due to assault by all the accused persons, he succumbed to the injuries on 12.8.2015. It is also the case of the prosecution that the wife of accused No.1 had lodged a report against the original accused No.1 on the basis of which a cognizable case was registered. The present applicant who happens to be the maternal cousin of accused No.1 was also enraged by registration of non-cognizable case and right from the police station till they approached Pravin Jadhav, they were together. The applicant is being tried with the aid of Section 34 of the Indian Penal Code. The trial has already commenced. Hence, it would not

be appropriate to consider the application for enlargement on bail. In any case, the application being sans merits, stands rejected.

(SMT. SADHANA S.JADHAV, J.)