

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1094 OF 2017

Ravindra @ Rajendra Mangave ...Applicant.
vs.
The State of Maharashtra ..Respondent.

Mr.Abhishek Yende for the Applicant.
Mr. A.A.Palekar, APP. for the State.

CORAM: A.S.GADKARI, J.
DATE : 8th September, 2017.

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.59/2015 dated 2.9.2015 registered with Shirol Police Station, District Kolhapur under Section 302, 504, 506 read with 34 of the Indian Penal Code.
2. It is the prosecution case that the family member of the deceased namely Mahavir on one side and the family members of the applicant on the other side was having dispute over the way to agricultural field . A civil suit was resulted in favour of the family members of the first informant and despite the said fact the applicant and his family members were not permitting the family members of the deceased to use the said way. That, pursuant to the said earlier enmity, on 2.9.2015 between 4.00 to 4.15 p.m. applicant along with co accused assaulted deceased Mahavir with fist, kick blows and stones. The role attributed to the applicant is that he initially threatened to the witness and subsequently held the legs of the deceased and other accused persons thereafter assaulted him with

stones, fist and kick blows.

3. During the course of investigation the applicant was arrested on 2.9.2015 and after completion of investigation the police have submitted charge sheet in the Court of competent jurisdiction.

4. Learned counsel for the applicant submitted that the applicant is aged about 26 years. That, all the male family members of the applicant are behind bars since 2.9.2015 and there is nobody to look after the agriculture land. He submitted that there are no antecedents at the discredit of the applicant and after taking into consideration the age of the applicant he may be released on bail.

5. The record clearly indicates that apart from the first informant Kunthinath @ Pintu Mahavir Mangave i.e. the son of the deceased Mahavir, there are more than five eye witnesses to corroborate the version of the first informant and the version of eye witnesses has been duly corroborated by the medical evidence on record. The medical evidence clearly shows that the deceased suffered fracture to ribs No.4 to 8 on his left side and also suffered about 14 injuries including two CLWs. on the face. The evidence on record shows that the applicant has actively participated in the said crime.

6. After taking into consideration the injuries suffered by the deceased, the brutality at the hands of the applicant and other accused persons and the gravity of the offence, in view of this Court the applicant does not deserve to be released on bail.

7. At this stage the learned counsel for the applicant submitted that the applicant is behind the bars since 2.9.2015 and since then trial has not began. The learned APP pointed

out that in the application preferred by co accused Bapu Appa Mangave bearing Cri. Bail Application No.1663/2016 this Court by an order dated 16.11.2016 has already expedited the trial. In view of the above, the Trial Court is directed to make an endeavor to conclude the trial within a period of one year from the date of receipt of the present order.

8. Application is rejected in the aforesaid terms.

(A.S.GADKARI, J.)