

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1107 OF 2017**

Shankar Babasaheb Shingare

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Gautam Pyarelal for the Applicant

Ms. J. S. Lohakare, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 27th SEPTEMBER, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 141 of 2016 registered with the Hill Line Police Station, for the alleged offences punishable under Sections 302, 326 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant states that the applicant is in custody since 2016 and that investigation is complete and charge-sheet is filed. He submits that considering the role of the applicant, the applicant be enlarged on bail.

4. Learned A.P.P opposes the application. She submits that the applicant has one antecedent i.e. a case registered under Section 307 of the Indian Penal Code.

5. Perused the papers. There are three eye-witnesses to the incident dated 14th April, 2016, i.e. the complainant-Vaishali Shingare (sister of the deceased-Vijay), Rahul Shingare (brother of the deceased-Vijay) and Raj Wada (nephew of the deceased-Vijay). Apart from the 161 statements of the aforesaid three eye-witnesses, their statements have also been recorded under Section 164 Cr. P. C. The statements of the 3 witnesses are consistent with each other with regard to the assault by the applicant and co-accused Deepak Shingare on the deceased-Vijay. It is alleged by the eye-witnesses, that Deepak Shingare and the present applicant questioned the deceased and thereafter, co-accused - Deepak assaulted the deceased with an iron rod and the applicant picked up a stone and threw it on the deceased and after the incident, both fled from the spot.

6. Considering the material on record, this is not a fit case to enlarge the applicant on bail. Even the possibility of the applicant

pressurizing or tampering with the witnesses, cannot be ruled out, more particularly, when two of the witnesses are aged around 21 and 10 years. Accordingly, the application is rejected.

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.

REVATI MOHITE DERE, J.