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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1563 OF 2017

Raju Aba Misal

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Satyavrat Joshi for Applicant.

Mr. S.H. Yadav, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 6th DECEMBER 2017.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 716 of 2016 dated 27.4.2017 registered with Pimpri Police Station, Pune under Sections 302, 307, 326, 324, 504, 506, 143, 144, 146, 147, 148, 149 of the Indian Penal Code, under Sections 35(1) r/w 135 of the Maharashtra Police Act and under Section 4(25) of the Arms Act

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] It is the prosecution case that, due to earlier quarrel which took place on trifle ground, applicant along with co-accused on 13.12.2016 at about 9.30 p.m assaulted Ashpak Shaikh (deceased), Ravindra Gadhire (injured witness) and Santosh Waghmare (injured witness) with sword, sickle and iron rod. The injured witness Ravindra Gadhire has lodged the first information report. During the course of investigation, the applicant came to be arrested on 14.12.2016 and after completion of investigation, police have submitted chargesheet.

4] The record indicates that, injured witnesses namely Ravindra Gadhire and Santosh Waghmare have categorically attributed the role of assault on them by the applicant with a sickle. There is an independent eye-witness namely Sharad Gaikwad who corroborated the version of the first informant Ravindra Gadhire and Santosh Waghmare in all aspects. Injury certificates of Ravindra and Santosh and the postmortem notes of Ashapak Shaikh (deceased) duly corroborate their version. Applicant along with co-accused on some trifle ground committed murder of Ashapak Shaikh and grievously injured Ravindra and Santosh. There is sufficient material available on record to show the complicity of the applicant in the present

crime. Prima facie it appears that applicant alongwith co-accused persons by committing murder of Ashapk Shaikh and causing grievous injuries to Santosh and Ravindra, intend to spread rein of terror in the local area

5] In view thereof, the applicant does not deserve to be released on bail.

Application is accordingly rejected.

(A.S.GADKARI, J.)