

Anand

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

BAIL APPLICATION NO.1621 OF 2017

Anirudda alias Mahesh Kamble .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. B. Thakur i/b. Mr.N.C.Kamble, Advocate, for the Applicant
Mr.V.V.Gangurde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 18.08.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.115 of 2013 registered with the Bhandup Police Station, for the alleged offences punishable under Sections 302, 143, 144, 147, 149 r/w 120B of the Indian Penal Code and under Sections 4 & 27 of the Arms Act.

3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the said case. He submitted that the Complainant and eye witness – Akash Sanjay Waghmare has not

attributed any overt act to the Applicant. He submitted that although there are two chance witnesses i. e. Rohit Pagare and Ajay Pagare (brothers of the deceased), their statements cannot be relied on, in view of the several discrepancies between the two. He submitted that even the recovery panchanama is riddled with infirmities. He submitted that the Applicant has been languishing in jail since 2013. He also relied on the Order passed by this Court in the case of co-accused – Bhupendra Arekar.

4. Learned APP opposes the Application. He submitted that till date, four witnesses have been examined.

5. Perused the papers, including the Order dated 14.07.2014 passed by this Court enlarging co-accused - Bhupendra Arekar. At the outset, it is pertinent to note that there is no parity, with the co-accused - Bhupendra Arekar, who is enlarged on bail. The Complainant is an eye witness to the incident which took place on 08.04.2013. The Complainant has specifically named the Applicant in the FIR and has alleged that the Applicant alongwith others gave fist blows to the deceased. The Complainant has set out the dispute between the two groups for the supremacy of their mandals. It appears that there are two

more eye witnesses to the incident i. e. i. e. Rohit Pagare and Ajay Pagare (brothers of the deceased). Both the eye witnesses have specifically stated that the Applicant alongwith Prakash Surve assaulted the deceased with weapons. There is recovery of a knife at the instance of the Applicant. Although, there are some discrepancies in the statements of witnesses, that is a matter which will be decided by the trial Court. Even otherwise, the trial has commenced and four witnesses have been examined till date.

6. Considering the material on record and the fact, that the trial has commenced, no interference is warranted. Hence, the Application stands rejected and disposed of in the aforesaid terms. However, the trial of the Applicant is expedited. Learned trial Judge shall make an endeavour to conclude the trial as expeditiously as possible and in any event within one year from the date of receipt of this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)