

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1859 OF 2017

Gauda @ Madhukar Sunil Bhos ..Applicant.
vs.
The State of Maharashtra ..Respondent.

Mr. Milind Deshmukh for the Applicant.
Mr. Ameet Palkar,APP. for the State.

CORAM: A.S.GADKARI, J.
DATE : 07th December, 2017.

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.133/2014 dated 13.12.2014 registered with Miraj Rural Police Station under Sections 302, 397, 398, 404 read with 34 of the Indian Penal Code.
2. Heard the learned counsel for the applicant and the learned APP.
3. It is the case of the prosecution that on 13.12.2014 at about 8.30p.m. the informant along with her family members, after attending the pilgrim of Yallama Devi were returning to their home. At that time two unknown persons accosted them and at the point of knife threatened them of dire consequences. That the applicant and other accused robbed their ornaments and other articles. That, Smt. Sunita Gaikwad and and Smt. Mangal tried to resist the robbers when the said

persons assaulted them with knife. One of accused persons also assaulted the informant Smt. Deepali. The said two ladies succumbed to the injuries prior to their admission to hospital. During the course of investigation one of the accused came to be arrested and during his interrogation the name of present applicant was revealed. The applicant was absconding for a pretty long period and came to be arrested on 12.2.2017. Police have already submitted charge sheet in the matter.

4. Perused the charge sheet.
5. The first informant Smt. Deepali and another witness to the crime Smt. Shakuntala have identified the applicant as one of the accused in the said crime. There is a recovery of knife at the instance of applicant. The present offence is committed on a road in the night. The offence alleged against the applicant is indubitably a serious offence.

Apart from the above said facts , the record clearly indicates that when the applicant was absconding after committing the present crime he has further committed two offences bearing CR No.47/2017 and CR No.130/2017. There is sufficient material on record to show the complicity of the applicant in the present crime. As noted earlier apart from the present crime the applicant is involved in two other crimes.

In view of the above, the applicant does not deserve to

be released on bail.

6. Application is accordingly rejected.

(A.S. GADKARI, J.)