

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2001 OF 2017

Shubham J. Jadhav

..Applicant.

vs.

The State of Maharashtra

..Respondent.

Mr.D.D. Rananaware for the Applicant.

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

CORAM : A.S.GADKARI, J.

DATE : 18th September, 2017.

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.258 of 2016 registered with Borgaon Police Station, District Satara under Section-302 read with 34 of the Indian Penal Code.

2. It is the prosecution case that due to earlier enmity the applicant along with co-accused Vijay Jadhav assaulted Aniket. The role attributed to the applicant is that the applicant inflicted blows with knife on the person of deceased Aniket. The first information report is lodged by Tukaram Lambor an eye witness to the incident. During the course of investigation the applicant came to be arrested on 11.11.2016 and after completion of investigation the police have submitted charge sheet.

3. Perused the record. The record indicates that co-accused namely Vijay Jadhav has been released on bail by this Court by an order dated 14.6.2017. The role attributed to the co-accused Vijay Jadhav was that, he was accompanying the present applicant on 11.11.2016. The

applicant pull down the Aniket from his back and assaulted him by knife and caused two injuries and thereafter fled from the spot. The Medical evidence on record suggests that deceased suffered two major injuries and his major internal organs were ruptured because of the said assault. It further appears that due to the said injuries approximately 1.5 ltrs. of blood was found congested inside the abdomen of the deceased and most of the vital organs were also congested because of the same. The Medical Officer has given opinion for cause of death as, “due to hemorrhagic shock and due to the massive hemorrhage due to stab injuries over abdomen”. There are eye witnesses to the incident. The weapon used in the crime has been recovered at the instance of the applicant. After taking into consideration the fact that due to earlier enmity the applicant came on the scene of offence with knife and after questioning Aniket, immediately assaulted him with the aid of knife on his abdomen. This Court is of the view that the applicant does not deserves to be released on bail.

Application is accordingly rejected.

5. It is needless to mention that the observations made herein above are made in the context of deciding the present application and the Trial Court at the time of conducting trial shall not be influenced by the same.

(A.S. GADKARI, J.)