

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1984 OF 2016**

Sunil Ramdas Suryawanshi	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. A.H.H. Ponda I/y Mr. Anup Lahoti for Applicant

Mr. Shrikant Gavand, A.P.P. for Respondent-State

Mr. S. S. Suryavanshi, API from Nigdi Police Station is present

**CORAM:- REVATI MOHITE DERE, J.
(IN CHAMBERS)
FRIDAY, 10th FEBRUARY, 2017**

P.C.

1. Heard learned Counsel for the parties.
2. This is the second bail application. The first bail application was dismissed as withdrawn vide order dated 13th April, 2016, after arguing for some time.
3. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 530 of 2015 registered with Nigdi Police

Station, Pune, for the offences punishable under Sections 302, 307, 143, 147, 149 of the Indian Penal Code and under Section 3(1)(25) of the Bombay Police Act.

4. The incident has taken place on 10th December, 2014 at about 6:30 p.m. In the said incident, Prakash Laxman Chavan was assaulted with weapons like sickles and sticks and a firearm was also used. In the said assault, the deceased succumbed to his injuries. The post-mortem report shows that death was caused due to traumatic and hemorrhagic shock due to firearm injury associated with multiple incised wounds. The FIR was lodged as against four to five unknown persons. It appears that none of the accused including the applicant have been named in the FIR, inasmuch as, the FIR has been lodged as against unknown persons.

5. A perusal of the charge-sheet shows that out of the five witnesses, two witnesses i.e. Kiran Hande and Vijay Gunjal have identified the applicant in the identification parade. Although, no role has been assigned to the applicant, the fact remains that the applicant has been identified by two witnesses. It also appears that the applicant has shown

the place where firearm practice was being done. At the said spot, one empty cartridge was found; the said empty cartridge was seized and sent to the Ballistic Expert. The report of the Ballistic Expert shows that the empty cartridge was fired from the same weapon, with which the deceased was fired at, by co-accused Anil Sapkal.

6. Considering that there is *prima facie* material against the applicant, the application is rejected.

7. It appears that the applicant has been in custody since 13th December, 2014 and till date, charge has not been framed. Accordingly, the trial is expedited. The learned trial Court shall conclude the trial as expeditiously as possible and preferably within 12 months from the date of receipt of this order.

8. Application is accordingly dismissed.

9. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.