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

CRIMINAL BAIL APPLICATION NO.2132 OF 2016

Akshay @Prakash Bhausahab Ovhal	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO.1011 OF 2016
IN
CRIMINAL BAIL APPLICATION NO.2132 OF 2016**

Mohammad Yasin Mobin Sheikh	...Applicant/Intervener
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IN THE MATTER BETWEEN

Akshay @Prakash Bhausahab Ovhal	...Applicant/Accused
Versus	
The State of Maharashtra	...Respondent

Ms.P.P.Kakade, i/b Mr.Subhash Hulyalkar, for the Applicant

Ms.Rutuja Ambekar. A.P.P. for the Respondent-State

Mr.S.D.Chavan, for the Applicant/Intervener.

P.I – A.V.More, Dehu Road Police Station, Pune.

CORAM : REVATI MOHITE DERE, J.

DATE : 10th APRIL, 2017

P.C. :

1. Heard learned counsel for the applicant and the learned APP for the Respondent – State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R.No.81 of 2016 registered with the Dehu Road Police Station, Pune, for the alleged offences punishable under Sections 302, 143, 147, 148, 149 of the Indian Penal Code.
3. Perused the papers. The incident in question has taken place on the intervening night of 6th and 7th March, 2016. The applicant alongwith other co-accused is alleged to have assaulted the deceased. The prosecution case rests entirely on circumstantial evidence. The evidence against the applicant is that he was last seen in the company of the deceased by 3 to 4 witnesses at around 9.00 p.m., on 6th March, 2016. The last seen evidence shows that the deceased was on a motorcycle of the co-accused and the present applicant was also on the motorcycle alongwith the deceased. The eye-witnesses have stated that they had seen the applicant

and the deceased going towards Renuka Mangal Karyalaya at around 9.00 p.m. On the next day the deceased was found dead on a empty spot behind the Renuka Mangal Karyalaya. There is an extra-judicial confession made by the one co-accused to Gautam Patekar and Shubham Dudbhate. The applicant's name has been disclosed by the said co-accused.

4. Considering the material on record i.e. of last seen and extra-judicial confession made by the co-accused, this is not a fit case to enlarge the applicant on bail.

5. Accordingly, the Application for bail is rejected and disposed of as such.

6. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application and the learned Judge shall decide the case on its own merits, uninfluenced by the observations made in this order.

7. In view of the disposal of the Bail Application No.2132 of 2016, the Intervention Application being Criminal Application No.1011 of 2016 does not survive and the same is also disposed of.

(REVATI MOHITE DERE, J.)