

Anand

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

BAIL APPLICATION NO.2188 OF 2016

Prakash Sandipan Lokare .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
CRIMINAL APPLICATION NO.1056 OF 2016
(For Intervention)**

**IN
BAIL APPLICATION NO.2188 OF 2016**

Ramesh Ashok Adake .Intervenor

IN THE MATTER BETWEEN

Prakash Sandipan Lokare .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Kuldeep S. Patil, Advocate, for the Applicant
Mrs.Rutuja Ambekar, APP, for the Respondent – State
Mr.Vinod Sangvikar, Advocate, for the Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 25.04.2017

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.157 of 2015

registered with the Islampur Police Station, District - Sangli, for the alleged offences punishable under Sections 302, 201 r/w.34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that there is no material to connect the Applicant with the alleged offences. He submits that the statements of eye witnesses were recorded belatedly, i. e. after ten days and some of the witnesses after one month. He further submitted that the Applicant has been falsely implicated in the said case because the Applicant was an eye witness in a double murder case in which the relatives of one Vinayak Pawar were convicted. According to the learned counsel, at the behest of Vinayak Pawar, the Applicant has been falsely implicated, by the so called eye witnesses. He submitted that Ranjit Patil and Vijay Pawar, both the alleged eye witnesses are in the employment of Vinayak Pawar and some of the other witnesses are also in some way connected with Vinayak Pawar. He submitted that in fact, an N.C. was lodged as against Ranjit Patil for threatening the witnesses in the case involving the murder of Vinayak Pawar's relative.

4. Learned APP opposes the Bail Application. She

submitted that there are two eye witnesses to the incident of assault and that the said witnesses have specifically named the Applicant and have attributed an overt act to him. She further submitted that there is one eye witness, who has seen the Applicant and other co-accused throwing the deceased in the river alongwith his motor cycle, from a bridge and one witness, who has specifically stated that the deceased was compelled to sit on a motor cycle, by the Applicant and others. She further submitted that as far as motive is concerned, the Complainant - Ramesh Ashok Adake, father of the deceased has spelt out the same. She further submits that there is recovery of a car in which the deceased was transported after his death.

5. Perused the papers.

6. The Complainant - Ramesh Adake, is the father of deceased. The incident has taken place on 12.07.2015 in the night, between 11.00 p.m. and 12.00. The Complainant has spelt out the motive for the Applicant and others to cause the death of his son-Sushil. Admittedly, the Complainant is not an eye witness to the said case. However, there are two eye witnesses i. e. Ranjit Patil and Vijay Pawar to the incident of assault on Sushil. The

said eye witnesses have specifically disclosed the manner in which the Applicant and others assaulted the deceased-Sushil. Infact, a perusal of the statement of Vijay Pawar shows that it is the Applicant, who assaulted the deceased with a knife on his hand, waist etc. and later threatened the said witnesses not to disclose the incident. The evidence of Sanjay Patil also shows that the Applicant and others had thrown the dead body and the motor cycle in the river. The medical evidence shows that the deceased died due to stab injuries. The deceased has sustained as many as six injuries on his person. Merely because there is some delay in recording the statement of eye witnesses, does not necessarily mean that the eye witnesses are got up witnesses. The evidentiary value of the witnesses statement will be decided only after a full fledged trial.

7. Considering the material on record, this is not a fit case to enlarge the Applicant on bail. Hence, the Bail Application stands rejected.

8. In view of disposal of the Bail Application, the Intervention Application does not survive and the same stands dispose of accordingly.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)