

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2360 OF 2016**

Prakash Anna Dongre
Versus
State of Maharashtra

...Applicant

...Respondent

Mr. Satyavrat Joshi for the Applicant

Mr. Sooraj S. Hulke, A.P.P for the Respondent-State

API Mr. T. L. Tonpe, from Hinjewadi Police Station, Pune, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 26th APRIL, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 438 of 2014 registered with the Hinjewadi Police Station, Pune, for the alleged offences punishable under Sections 302, 120B r/w 34 of the Indian Penal Code and under Section 3(25) of the Arms Act and Section 37(1) r/w 135 of the Bombay Police Act.

3. Perused the papers. The incident in question has taken place on 18th October, 2014 at about 8:00 a.m. The complainant-Sanjay and the deceased-Rajesh are brothers. On 18th October, 2014, the deceased was shot dead near a construction site by two unknown persons. Pursuant to the said incident, a complaint was lodged by Sanjay as against unknown persons. It is alleged by the complainant-Sanjay that the said two unknown persons came on a motorcycle and that one of them opened fire, pursuant to which, his brother Rajesh received a gun shot injury and succumbed to the same. There are two eye-witnesses to the said incident i.e. the complainant-Sanjay himself and one Baliram Rokade, the watchman in the area. Both the said eye-witnesses have identified the applicant in the Test Identification parade, which was held on 5th November, 2014. There is recovery of one pistol from the applicant. It also appears that the applicant, whilst on bail in connection with an offence punishable under Section 302 of the IPC, has committed the aforesaid offence.

4. Considering the material on record *qua* the applicant, this is not a fit case to enlarge the applicant on bail. The application stands rejected.

5. 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.