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

CRIMINAL BAIL APPLICATION NO.2519 OF 2016

Kamlesh Dnyandev Jadhav	...Applicant
Versus	
The State of Maharashtra and Ors.	...Respondents

Mr.Niteen Pradhan, i/b Ms.Shubhada Khot, for the Applicant

Mr.Y.M.Nakhwa, A.P.P for the Respondent-State

Police Naik – D.V.Kalange, Pusegaon Police Station, Satara.

CORAM : REVATI MOHITE DERE, J.

DATE : 24th APRIL, 2017

P.C. :

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

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 61 of 2015 registered with the Pusegaon Police Station, Satara, for the alleged offences punishable under Sections 302, 307, 326, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and under

Sections 37(1)(3) read with 135 of the Bombay Police Act.

3. Learned Counsel for the applicant submitted that the incident has taken place, when Sandeep Jadhav and Shamrao Jadhav were going to lodge a complaint. He submitted that there are several eye-witnesses, however, the ocular evidence is contrary to the medical evidence. He submitted that although the applicant is alleged to have assaulted the deceased – Shamrao Jadhav and Dilip Jadhav with swords, alongwith other co-accused, the deceased has sustained only 3 to 4 injuries.

4. Learned APP opposed the application.

5. Perused the papers. The incident in question has taken place on 15th August, 2015 at about 1.30 p.m., when Sandeep Jadhav and Shamrao Jadhav (deceased) were going to lodge a complaint. It is alleged by the complainant – Maruti S. Chavan, that 12 named accused alongwith 15 to 20 unknown persons came to the said spot. He has alleged that the said persons were armed with swords, axe, iron pipes, hockey sticks and sticks. The complainant has attributed a specific role to the

applicant alongwith other co-accused. From the statements of the eye-witnesses, it is evident that the applicant had assaulted the deceased – Shamrao Jadhav and Dilip Jadhav with a sword. There are 14 eye-witnesses and in the said incident 2 persons have been killed and 4 persons have been injured.

6. Considering the role of the applicant which is corroborated by the medical evidence, this is not a fit case to enlarge the applicant on bail.

7. Hence, the Application for bail is rejected and disposed of as such.

8. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application and that the learned Judge shall decide the case on its own merits uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)