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

BAIL APPLICATION NO.2554 OF 2018

Mahesh Tanaji Ghadge

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Kuldeep Patil for Applicant.

Ms. J.S. Lohokare, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 13th December 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 31 of 2018 dated 4.3.2018 registered with Kadegaon Police Station, District Sangli under Sections 302, 307, 323, 504, 506 of Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] The first information report is lodged Shri Sahil S. Kadam, son of Sukhadev Kadam (deceased). The date and time of incident is 3.3.2018 at about 5.30 p.m.

It is the prosecution case that, on the date of incident, the

applicant came at the agricultural field of deceased Sukhadev Kadam, called near him and demanded money for drinking liquor. When deceased refused to pay money, the applicant abused deceased in filthy language and thereafter assaulted him with a stone on his head and face. The said incident is witnessed by four other persons who were working in the agricultural field. When the people in the vicinity gathered at the scene of offence, the applicant fled away. During the course of investigation, the applicant came to be arrested on 5.3.2018. After completion of investigation the police have submitted chargesheet.

4] The learned counsel for the applicant submitted that, the first informant Sahil Kadam while admitting his father to hospital has given statement that his father had a fall from motorcycle under the influence of liquor and therefore there is every reason to believe that deceased had a fall from motorcycle and applicant is not the alleged assailant. He therefore prayed that the applicant may be released on bail.

5] The record indicates that, there are four eye-witnesses to the incident. They in ununequivocal terms have stated that, on the date and time of incident, the applicant had been to agricultural field of deceased, he called deceased near him and demanded money for drinking liquor. That

when the deceased refused to give money, the applicant initially pushed him due to which deceased fell down and thereafter the applicant assaulted him with a stone lying at the scene offence on his head and face. The postmortem report indicates that, deceased died due to head injury. Prima facie it appears that, there is sufficient corroboration by way of medical certificate to the version of the eye-witnesses. There is sufficient material available on record, to show the complicity of the applicant in the present crime.

6] In view thereof, the applicant does not deserve to be released on bail.

Application is accordingly rejected.

(A.S.GADKARI, J.)