

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION No. 542 OF 2018**

Nitin Chandrakant Jadhav

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Rahul Sopanrao Kate for Applicant

Mr. Vinod Chate -APP

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JUNE 25, 2018

P.C.

1. Heard. This is an application under section 439 of the Criminal Procedure Code.
2. The Applicant herein is arrested on 17th June, 2015 in Crime No. 110 of 2015 registered at Umraj Police Station for the offence punishable under Section 302 r/w. 34 of the Indian Penal Code.
3. It is the case of the prosecution that on 17th June, 2015, Tanaji Kamble had lodged a report at the police station alleging therein that on 16th June 2015 at about 10.00 p.m. he had heard the cries of his son Charan. He rushed out. People had gathered and upon inquiry made from the public, he had learnt that

his son Charan @ Chiranjeev was hit by Suraj @ Arjun, Ravindra, Nitin and Ajay and that they assaulted him with iron rod and sharp weapon. The incident happened at about 10.00 p.m. outside the petrol-pump where Charan was working. He had lodged the report to the police station. On the basis of which, Crime No. 110 of 2015 was registered and this is a case of direct evidence.

4. This is a case of direct evidence. The case rests on ocular testimony as there are few eye witnesses to the incident. In view of this, the Applicant does not deserve to be enlarged on bail. The bail application stands rejected on merits. The Sessions Judge shall not be influenced by the aforesaid observations at the time of trial.

[SMT. SADHANA S. JADHAV, J.]