

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

BAIL APPLICATION NO. 1115 OF 2018

Popat Vitthal Jadhav & Anr.

....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. R.D. Salve for the applicant.

Mr. N.B. Patil, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 31th AUGUST, 2018.

P.C.:

. This is an application for bail under Section 439 of Criminal Procedure Code filed by the aforesaid applicants, who are facing trial in Sessions Case No.110 of 2017 (arising from C.R.No.66/2017 registered at Malegaon Police Station, Dist. Nashik) for offences punishable under sections 143, 147, 148, 149, 302, 324, 326, 452, 504, 506 of the Indian Penal Code.

2. Heard Mr. R.D. Salve, learned counsel for the applicant and Mr. N.B. Patil, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The afore stated crime was registered pursuant to the first information report lodged by Yogesh Bhamre. The first information report *prima facie* reveals that on 19/03/2017, at about 06:00 p.m., the applicant no.1 had abused the first informant. On the same date, at about 07:00 p.m., the applicant no.1 and others had criminally formed an unlawful assembly. They came to the house of Yogesh Bhamre armed with deadly weapons such as iron rods, axe, wooden sticks, etc. They broke open the house of first informant and criminally trespassed the house and assaulted him and all the other members of the family by means of said deadly weapons. Later on, when Nimba Bhamre learnt about the said incident, he went to the house of Yogesh Bhamre to question him about the said incident. At that time, the applicant no.1 inflicted injuries on his head by means of iron an rod and that the applicant no.2 assaulted him by means of an axe. Said Nimba Bhamre sustained injuries and expired as a result of said injuries. The statement of the eye witnesses also *prima facie* indicates that the applicants herein had played an active role in inflicting fatal injuries on Nimba Bhamre. They have also inflicted serious injuries on the other family members. The offences are of serious nature. Considering the nature of the offences and the material in support thereof, in my considered view, this is not a fit case for grant of bail. Furthermore, releasing the

applicants on bail at this stage may hamper the trial.

4. Considering the above facts and circumstance, the applicants are not entitled for bail. Hence, Bail Application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)