

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

BAIL APPLICATION NO.1706 OF 2017

Sachin Sanju Pate		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Rupesh Atul Zade for the Applicant.
Mr. S.H. Yadav, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 10th January, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP. Perused the papers of investigation.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 4th July 2016 alongwith one Dhanaji Vatane in Crime No.324 of 2016, registered at Varje Malwadi Police Station for the offences punishable under Section 302 read with 34 Indian Penal Code. The investigation is completed and the charge-sheet is filed against the present applicant for the said offences.

3 It is the case of the prosecution that on 4th July, 2016 Ramchandra Suryawanshi lodged a report at the police station alleging therein that on 3rd July, 2016 at about 11.15 pm., he received a phone call from his driver namely Sudhir alias Sagar Vilas Jadhav informing him that due to heavy rain, he would not be able to go to M.P. Garage. The complainant had then dropped Sudhir Jadhav near M.P. Garage. At about 11.35 pm., Dhanaji Vatane, the co-accused called upon the first informant and informed him that Sudhir was quarrelling with him. Within few minutes, Sudhir called upon the first informant and informed him that Vatane Mama and Sachin i.e. the present applicant are assaulting him. The complainant had proceeded towards the room. Near M.P. Garage, he found Sudhir lying in a supine position in a pool of blood. He proceeded to the room and questioned the applicant as to why Sudhir is so brutally assaulted. They informed the first informant that Sudhir had abused them and therefore they had assaulted him. Sudhir was taken to Sasoon Hospital and was declared dead on admission. The first informant had checked the CCTV footage and had seen the present applicant and Dhanaji Vatane assaulting him with a wheel spanner and other instruments. Upon perusal of the papers of investigation, more particularly post mortem notes, it is more than clear that the brutal assault was made on deceased Sudhir. Column 17 indicates that he had sustained as many as 14 injuries.

4 This is a case of direct evidence. There is sufficient material to prima facie observe that the applicant is the author of the injuries sustained by Sudhir. Hence, the application being sans-merits, stands rejected.

5 The observations made hereinabove are restricted to the application under Section 439 Code of Criminal Procedure and the learned Sessions Judge shall not be influenced by the observations made hereinabove at the time of trial.

(Smt. Sadhana S. Jadhav, J)