

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

BAIL APPLICATION NO.1828 OF 2017

Ganesh Shankar Tangade		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Ms. Hetal Patel i/by Ms. Rachana K. Divekar for the Applicant.
Mrs. P.P. Shinde, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 29th January, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 5th October, 2016 in Crime No.50 of 2016, registered at Talegaon MIDC Police Station, Pune for the offence punishable under Section 302 Indian Penal Code. The investigation is completed and the charge-sheet is filed against the applicant and others for the offence punishable under Sections 302, 109 read with 34 Indian Penal Code.

3 It is the case of the prosecution that on 14th June, 2016, the complainant, who was working in Cadbury Company had received a phone call of one of his cousin namely Sunil Anil Shevkar informing him that Rohit alias Bunty has been murdered in the land of Mr. Shevkar. It is the case of the prosecution that the complainant upon receiving the said information immediately reached the spot. Rohit alias Bunty Sudam Shevkar happens to be cousin of the complainant. He had registered F.I.R., on the basis of which Crime No. 50 of 2016 was registered. In the course of investigation, the investigating agency had recorded the statements of several friends of the deceased as well as the present applicant and it had transpired that two persons namely Aniket Ankush Dude and Akshay Rajabhau Mule had caused brutal assault upon the deceased at the instance of the present applicant. Both the accused were arrested. They were found to be juvenile in conflict with law and they were enlarged on bail and they are facing proceedings before the Juvenile Board. The compilation of the charge-sheet would indicate that there were several exchange of calls between the present applicant and both the juvenile in conflict with law just before the incident and soon after the incident. It is also a part of charge-sheet. The supplementary statement of one Meena Sudam Shevkar was recorded, in which it has surfaced that the applicant had threatened to kill. Meena has further alleged that the present applicant happens to be a friend of Aniket and Akshay. It is also alleged that in the year 2015 at the

time of immersion of Ganesh idol, there was a quarrel with the deceased and therefore Rohit was hit by the juvenile in conflict with law.

4 Learned APP has placed on record a report, which shows that the applicant is involved in Crime No.19 of 2015 registered at Talegaon MIDC police station, for the offences punishable under Sections 307, 323, 143, 147, 148, 149, 504 Indian Penal Code, Talegaon MIDC police station Crime No. 51 of 2016, for the offences punishable under Sections 143, 147, 149, 323, 504, 506, 427 Indian Penal Code and at Talegaon MIDC police station Crime No.70 of 2016 for the offences punishable under Sections 395 Indian Penal Code and 3(25) of Arms Act and then Chakan police station C.R. No. 855 of 2016 for the offences punishable under Sections 394 read with 34 Indian Penal Code. It is also submitted that the applicant is being prosecuted under the provisions of MCOC Act. It is, in view of the above mentioned facts, this Court is of the opinion that the applicant does not deserve to be enlarged on bail, more particularly in view of the call details records. The applicant is 28 years old whereas his friends who are juvenile in conflict with law are less than 18 years old. The learned APP submits the applicant has availed the service of juvenile in conflict with law to wreck vengeance against Rohit. It is, in these circumstances that the applicant does not deserve to be enlarged on bail. The application being sans-merits stands rejected.

5 The observations made hereinabove are prima facie in nature and are restricted to the application under Section 439 Code of Criminal Procedure and the trial Court shall not be influenced by the same.

(Smt. Sadhana S. Jadhav, J.)