

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2690 OF 2018
WITH
CRIMINAL APPLICATION NO.1490 OF 2018

Amar Hanumant Gade ..Applicant
vs.
The State of Maharashtra ..Respondent.

Mr. Vishal Kolekar for the Applicant.
Mr. Ajay Patil, APP. for the Respondent-State.
Mr.A.A.Jadhavar for the Intervener.

CORAM : A.S.GADKARI, J.
DATE : 11th December, 2018

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.59/2108 registered with Chandannagar Police Station, District Pune under Section 302 read with 34 of the Indian Penal Code and under Section 4(25) of the Arms Act and 37(1) and 135 of the Bombay Police Act.
2. Heard the learned counsel for the applicant, the learned counsel for the Intervener and the learned APP. Perused the charge sheet.
3. The date and time of commission of present offence is 16.2.2018 between 10.30 to 14.45 p.m. The name of the deceased is Pawan Kamble.

4. The prosecution case in brief is that, prior to one year from the date of commission of offence deceased Pawan Kamble had a fight with accused No.1 Kishore Shinde and due to the said enmity the applicant herein along with co-accused Kishore Shinde and Sujit Jadhav committed murder of Pawan Kamble by assaulting him with sickle and wooden cricket stump. The first information report is lodged by Mr. Pritam Kasbe cousin of deceased. During the course of investigation the applicant came to be arrested on 17.2.2018 and after completion of investigation police have submitted chargesheet.

5. The allegation as against the applicant is that, he was accompanied with other accused persons and actually committed assault on the deceased. The applicant also instigated the other accused persons in assaulting the deceased. There are five eye witnesses to the present crime who clearly mentions about the role played by the applicant and his complicity in the present crime. Apart from the said fact, there are two antecedents at the discredit of the applicant pertaining to crime relating to bodily injury. The applicant while on bail in earlier two crimes has committed the present crime.

6. In view of the above, this Court is of the view that, the

applicant does not deserve to be released on bail.

Application is accordingly rejected.

7. In view of the above order, the Criminal Application No.1490/2018 for intervention does not survive and is accordingly disposed off.

(A.S.GADKARI, J.)