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

BAIL APPLICATION NO.2917 OF 2018

Krishna @ Sanjay Gopinath Bele

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Satyavrat Joshi for Applicant.

Mr. S.S. Hulke, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 13th December 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 16 of 2018 dated 30.1..2018 registered with Gandhinagar Police Station, District Kolhapur under Sections 302, 201 read with 34 of Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] The prosecution case in brief is that, the applicant sold his mobile phone to deceased Atul Ambure for a consideration of Rs.7500/-. On 29.1.2018, deceased Atul Ambure took Rs.4000/- from his owner and paid it to applicant and took possession of the mobile phone. The applicant

and accused No.2 Datta Dalvi and accused No.3 a juvenile in conflict with law along with deceased Atul Ambure decided to consume liquor and therefore they purchased liquor bottles from Chawla Wines situated at the market at Gandhinagar, Taluka Karvir. Thereafter all four persons went beyond the said Wine Shop and during their drinking session, the applicant demanded back the said mobile phone from deceased to which he refused and therefor a quarrel took place. The applicant along with co-accused assaulted deceased with broken glass bottles and stones. Atul Ambure died on the spot. During the course of investigation, the applicant came to be arrested on 30.1.2018 and after completion of investigation the police have submitted chargesheet.

4] The record indicates that, the owner of the wine shop namely Vicky Chawla has identified the applicant as the person who had been to his shop in the night on 29.1.2018, when he was in the process of closing his wine shop. The clothes of the applicant seized by the police were having blood-stains on it and the report of the Chemical Analyser is positive. There is another statement of witness Datta Kadam recorded under section 164 of Cr.P.C. wherein he has stated that, the co-accused i.e. juvenile in conflict with law has given an extra judicial confession to him about the assault by

him and other accused persons on deceased Atul Ambure.

5] There is sufficient material available on record to show the clear complicity of the applicant in the present crime. Deceased Atul has been brutally murdered by the accused.

 In view thereof, the applicant does not deserve to be released on bail.

 Application is accordingly rejected.

6] It is needless to mention that, the observations made herein are in the context of deciding the present application for bail and the Trial Court may not influenced by it at the time of conducting trial.

(A.S.GADKARI, J.)