

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

BAIL APPLICATION NO.2753 OF 2017

Dhanaji Bandu Mane		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Rahul S. Kate for the Applicant.
Mr. Y.M. Nakhwa, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 22nd February, 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 1st January 2017 in Crime No. 746 of 2016, registered at Indapur Taluka Police Station, for the offences punishable under Section 302 read with 34 of Indian Penal Code. The investigation is completed and the charge-sheet is filed.

3 It is the case of the prosecution that on 31st December 2016, Ramhari Devram Yadav lodged a report at the police station

alleging therein that 7 to 8 years ago, there was a quarrel between his son and Dhanaji Kharade over some political issues. That the complainant had lodged a report at the police station about the same. Thereafter Dhanaji had assaulted Bapu Yadav. There was enmity between Bapu and Dhanaji. Sometimes, they used to accompany each other for some work and for lunch also. That on the day of the incident, Bapu had left home hurriedly and thereafter one Dada Devkar had reached home and informed the father of Bapu i.e. the first informant that Dhanaji and Bapu were at the Dhaba of one Anna Patil. There was a quarrel between them and thereafter Dhanaji Baban Kharade, Sudhir Bharat Kharade and Dhanaji Bandu Mane assaulted Bapu with sickle. They had restrained the witnesses from interfering in their quarrel. In the present case, there are eye witnesses, since the incident had occurred at Dhaba of Anna Patil.

4 The Post-mortem notes would reveal that the deceased Bapu had sustained more than 13 incised wounds. He had sustained fracture. The cause of death is due to extensive laceration of brain. This is the case of direct evidence. In the above mentioned facts, 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)