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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3170 OF 2018

1. Mahadev Mangesh Pujari
2. Ashok Mangesh Pujari ..Applicants.

V/s.

The State of Maharashtra ..Respondent.

Mr.Avinash B.Patil for the applicant.

Mr. S.S.Hulke, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 7, 2019

P.C.:-

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

2. In crime I-80/2018 for offences punishable under section 302, 307, 323, 504 read with 34 of the Indian Penal Code registered with Karveer police station, District Kolhapur, the applicants are arrested on March 12, 2018 and are charge-sheeted.

3. Mr.Patil, learned counsel for the applicants while trying to make out a case for bail would submit that the eye witnesses who are relied upon are interested witnesses as they are in blood relation to the deceased. His next submission is, the incident in question took place at the spur of the moment and there was no intention to kill the deceased by the present applicants. According to him, as differences arose in a social function as the deceased also assaulted the complainant. He submits that there are certain serious discrepancies in the investigation which can be read to the benefit of the applicants-accused.

4. *Per contra*, learned APP opposed the claim and would rely upon the statements of eye witnesses.

5. Considered rival submissions.

6. The complainant Nanaso, real brother of the deceased Annaso and the other witness Bhagwan in categorical terms stated about the repeated attack on the part of the applicants in assaulting Annaso, who died due to complications out of head injuries. The post mortem report speaks of three head injuries and

as such there is sufficient evidential support to the statement of the eye witnesses as can be inferred from the medical report.

7. The act of repeated attack of assault on the deceased Annaso speaks of the intention of the applicants.

8. That being so, as there is direct evidence available on record connecting the applicants to the serious crime of murder, no case for bail is made out. The application fails and hence is rejected.

(NITIN W. SAMBRE, J.)