

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 82 OF 2019

Sujit Shrimant Jadhav

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. G.S.Jadhav for Applicant.

Mr. Prashant Jadhav, APP. for Respondent/State.

CORAM : P.N. DESHMUKH, J.

DATE : 12th March, 2019

PC :

1. This application is filed by one of the accused for bail in CR No.59 of 2018 registered with Chandan Nagar Police Station for the offences punishable under Section 302 read with 34 of the Indian Penal Code, under Section 4(25) of the Arms Act and under Section 37(1) and 135 of the Bombay Police Act by Chandan Nagar Police Station, Pune City.

2. Learned counsel for applicant submits that from the statements of eye witnesses applicant's involvement cannot be made out as from the role attributed to him, it cannot be said that the applicant had intention to commit murder as according to the eye witnesses at the time of incident applicant had assaulted by cricket stump. To substantiate said contention, learned counsel referred to post mortem notes contending that deceased had suffered as many as nine injuries which are chop wounds and as such not possible by cricket stump, and thus submit that no case is made out against the applicant. By referring to copy of the C.A. report it is contended that human blood is found on article stamps but its grouping is inconclusive and thus, prayed for bail.

3. Learned APP. opposed the application on the ground that there is direct evidence which is corroborating with the injuries as mentioned in the post mortem report and therefore submitted that there is no substance in the application and be rejected.

4. Perusal of FIR lodged by Pritam Kasbe the compliant revealed

that on the date of incident on 16.2.2018 at about 10.30p.m. he along with deceased Pawan Baburao Kamble were present in a square in "Thite Vasti, Kharadi, Pune where from deceased left on his two wheeler and in short time complainant heard shouts for his help, complainant therefore rushed towards that side and found deceased coming from opposite directions running having sustained bleeding injuries and on enquiry stated that he was subjected to assault by applicant and co accused Kishore Shinde and Gade by sharp weapons like sword and cricket stump. After such information was provided to complainant the deceased was referred to hospital where he succumbed to injuries. Statement of witness Ajay materially corroborates version of complainant Pritam. In fact, Ajay is found to be an eye witness of the incident when he states that on the date of incident along with deceased he was present and immediately after deceased had left he heard the shouts of quarrel and thereafter ran towards that side and found deceased having being assaulted by co-accused persons on his head, back whereas the applicant has assaulted by cricket stump. Statements of eye witnesses Sagar Lokare

appears to be consistent with the statement of Ajay. In that view of the matter, no case is made out for grant of bail as these statements are corroborated by the medical evidence and even according to the Chemical Analyzer's report the weapon stump, is to be stained with blood though its grouping could not be determined.

5 Having considered the above stated evidence against the applicant, prima facie his involvement is found established in the present crime. Application is thus rejected.

(P.N.DESHMUKH, J.)