

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

CRIMINAL BAIL APPLICATION NO.943 OF 2019

Tajas Hanumant Gurav

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Kuldeep Patil, Advocate for Applicant.
- Mr.S.R. Agarkar, APP for the State/Respondent.
- API M.R. Shelar, Khalapur Police Station, Raigad, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 20th JUNE, 2019

P.C. :

1. The Applicant is seeking bail in connection with C.R.No.106/18 registered with Khalapur Police Station, Raigad, under sections 302 of the Indian Penal Code.

2. The FIR is lodged by one Darshan Manohar Salvi on 03/06/2018 in respect of murder of his father Manohar Kumbhar (Salvi). The informant is not an eyewitness to the incident, but he was informed about the murder of his father.

On enquiries he came to know that one Reena Gupa had seen an unknown person assaulting the deceased with knife and by banging his head on the wall. The deceased was assaulted on his neck, chest and stomach. The spot of incident was a farm house of one Mahesh Parit. The eyewitness Reena was also working at the same farmhouse. The investigation is over. The Applicant was arrested on 28/06/2018. The investigation papers show the post-mortem notes wherein it is mentioned that the deceased had suffered many injuries with knife and the cause of death was “due to cardio respiratory arrest due to multiple stab injuries due to thoracic haemorrhagic shock due to intestinal perforation.”

3. The statement of the eyewitness Reena is recorded. She has narrated that, at about 08.45 a.m. on 03/06/2018, when she was working at the farmhouse, she heard shouts of the deceased Manohar Kumbhar (Salvi). When she rushed there, she saw that the deceased was held by an unknown person. His head was banged on the cement wall. The assailant took out a

knife and assaulted the deceased on his neck, chest and stomach. This witness tried to run away from the spot. The assailant went behind her and threatened her.

4. After arrest of the Applicant, test identification parade was held on 02/07/2018. In that Test Identification Parade this eyewitness has identified the present Applicant as the assailant.
5. I have heard learned Counsel Mr.Kuldeep Patil for the Applicant and learned APP Mr.S.R. Agarkar, for the State.
6. Mr.Patil pointed out that in one of the newspapers the entire story was published including the photograph of the present Applicant. He submitted that this story was published before one day holding the identification parade. He submitted that the identification parade is held in violation of the mandatory rules.
7. Learned APP submitted that this publication is not

authenticated and there is no proof that such publication was in fact published. There is no infirmity in conducting the identification parade.

8. Considering these submissions it appears that there is an eyewitness to the incident. Eyewitness had identified the Applicant in the Test Identification Parade. These circumstances are strong circumstances against the present Applicant. Mr.Patil contended that story was already published just one day before holding of test identification parade. There is no authenticity in respect of such publication. There are no details of circulation of such story in the vicinity where the eyewitness was residing. All these aspects will have to be considered at trial. At this stage, it is difficult to take into account the alleged publication. In this view of the matter, no case for bail is made out. The application is rejected.

(SARANG V. KOTWAL, J.)