

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1600 OF 2019

Prakash Balasaheb Jagtap] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Kuldeep Patil, Advocate for the Applicant.

Mr. S.H. Yadav, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 3rd JULY, 2019.

P. C. :-

1. The applicant is seeking bail in connection with C.R. No. I-37/2018 registered with Sanjay Nagar Police Station, District Sangli u/sec. 302 of I.P.C.

2. The offence is registered on the FIR of one Sunil Mhargur. He has stated that he was having a furniture workshop. On 27/02/2018, at about 6.00 p.m., in the evening, one Sanjay Jadhav had come to his workshop and had purchased plywood pieces. After he went out, he came back shortly again at 6.15 p.m. He was followed by another short person who was aged between 20 to 25 years. He was wearing

a black mask. He assaulted Sanjay Jadhav with sickle and committed his murder. The FIR was lodged. The investigation was carried out. The postmortem notes show that the deceased had suffered 19 injuries and most of them were incised wounds on vital parts.

3. The applicant was arrested on 28/02/2018. At his instance, his clothes were recovered on 01/03/2018 from below bushes near R.T.O. Office, Savli. The recovered articles include his clothes and the black mask. At his instance, on 03/03/2018, a sickle was recovered from roof of a pan stall.

4. Apart from these circumstances, there is very important circumstance in the nature of statement of one Shubham Padulkar. He has stated that, on 27/02/2018, at 5.45 p.m., he had seen the present applicant parking his motorcycle, taking out the black mask, wearing it and running inside the first informant's furniture workshop. The applicant was carrying sickle. This witness heard shouts from inside the workshop. After five minutes, the applicant came out, that time he was having sickle in his hand. Thereafter, he went away on his motorcycle. This statement is a strong circumstance against the present applicant.

5. Heard Mr. Kuldeep Patil, Ld. Counsel for the Applicant and Mr.S.H. Yadav, APP for the State/Respondent.

6. Mr. Kuldeep Patil, Ld. Counsel for the Applicant submitted that the evidence against the present applicant is very weak. The statement of witness Shubham Padulkar is recorded on 03/03/2018 after arrest of the applicant. According to Mr. Patil he is a got up witness and since no evidence is available, the police have recorded his statement which was not true.

7. I have considered the submissions. I have also seen the recovery panchanama under which the mask was recovered. The mask was recovered at his instance on 01/03/2018. The mask was recovered alongwith his clothes. The statement of witness Shubham Padulkar shows that the applicant had worn this mask before this witness. Thereafter the applicant had entered the workshop with sickle and within five minutes the applicant had come out and had gone away. The effect of recording of statement on 03/03/2018 can only be decided during trial. At this stage, there is sufficiently strong material against the present applicant. The offence is serious. Therefore, the

applicant does not deserve to be released on bail. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)