

Anand

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

BAIL APPLICATION NO. 1821 OF 2019

Jayesh Jitendra Bhamre .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Gopal Bhagat i/b. Mr. Robinsingh H. Palthiya, Advocate, for the
Applicant

Mr. S. V. Gavand, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 05.08.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. I-53 of 2018 registered with the Hill Line Police Station, Ulhasnagar, for the alleged offences punishable under Sections 302, 120B, 147, 148, 149 of the Indian Penal Code and under Section 37(1)(3) 135 of the Maharashtra Police Act.

3. Perused the papers. According to the Complainant – Sitaram Chourasiya, his son – Bablu Chourasiya (deceased) was

murdered on 01.03.2018. Accordingly, a complaint was lodged as against unknown person, for committing murder of his son - Bablu. There are two eye witnesses who have seen the incident of assault i. e. Pritam and Nilesh. The statements of both these witnesses show that the Applicant was present at the spot and that he had held Bablu (deceased) and that alongwith other co-accused had taken Bablu near Akash Colony, Tanker Point, where Bablu was assaulted with a knife by Altaj and Bob. The statements of the witnesses clearly show that the Applicant was present at the spot and that he had played an active role in the commission of the offence. It also appears that the Applicant, being a neighbour of deceased – Bablu, was supplying information about the whereabouts of Bablu to the co-accused. There is recovery of blood stained clothes at the instance of the Applicant. The Applicant has two antecedents i. e. two cases registered as against him under Section 324 of the Indian Penal Code.

4. Considering the aforesaid, this is not a fit case to enlarge the Applicant on bail. Hence, the Application is rejected.

5. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits,

in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)