

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

CRIMINAL BAIL APPLICATION NO. 2488 OF 2019

Shrikant Bharat Kamble ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Sanjeev Kadam i/by Mr. B.L. Jagtap,
Advocate for the Applicant.
Mr. J.S. Lohakare, A.P.P. for the Respondent-State.
Mr. G.V. Anavkar, Sr.P.I., Protection Branch.

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CORAM : SANDEEP. K. SHINDE, J.
DATE : 02nd DECEMBER 2019.

P.C.

1. Heard learned counsel for the applicant and learned A.P.P. for the Respondent - State.
2. Applicant is seeking bail in Crime No. I - 45 of 2016 registered with the Dindoshi Police Station, for the alleged offences punishable under Sections 302, 397 read with 34 of the Indian Penal Code, 1860 r/w 4,25 of Arms Act r/w37(1) r/w 135 of Bombay Police Act.
3. It is alleged, deceased, Philips Penal Nadar,

was assaulted by the applicant and the co-accused Ganesh inflicting grievous injuries on the vital part of his body. Eye witness stated the applicant and the co-accused repeatedly dealt blows of sword on the deceased to which he succumbed. Corresponding injuries were found and disclosed in the postmortem report in column no.17.

4. Mr. Kadam, learned counsel for the applicant would criticise the eye-witness, who being close friend of deceased, neither disclosed the account of the incident, either to the friends or relatives of the deceased, though he had attended funeral of deceased. However, conduct of the eye-witness, whether, a "relevant fact" or not, is a matter of Evidence. At this state, I have no reason to disbelieve him.

5. In view of the nature of accusation and as the offence is punishable with the imprisonment for life or death, the application is rejected.

(SANDEEP. K. SHINDE, J.)