

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2539 OF 2018**

Santosh Channappa Sajan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Gladys Pereira for the Applicant

Mr. A. R. Kapadnis, A.P.P for the Respondent-State

PSI Mr. Yogesh Dabhade from Bhiwandi City Police Station, Thane, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 18th JULY 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-200 of 2017 registered with the Bhiwandi City Police Station, Thane, for the alleged offences punishable under Sections 302, 397, 34 of the Indian Penal Code.

3 Learned counsel for the applicant submits that there is no material to connect the applicant with the alleged offence, except the statement of Pradip Patil with respect to last seen, which also is doubtful.

4 Perused the papers. The prosecution case rests on circumstantial evidence. According to the prosecution, the applicant had gone to Poonam Bar and asked for liquor. It is alleged that when the bar owner i.e. Pradip Patil asked for money, he gave Rs. 4/- and hence, he did not give the alcohol bottle to the applicant. According to the prosecution, the applicant saw the deceased-Ajay Mishra sitting in the bar and consuming alcohol, pursuant to which, the applicant picked up Ajay Mishra's (deceased) bottle and fled from the spot. It is alleged that the deceased-Ajay Mishra chased the applicant. The incident is stated to have taken place on 15th June 2017 at around 10:30 p.m. The dead body of Ajay Mishra was found on the next day i.e. on 16th June 2017. The statement of Pradip Patil (owner of the bar) and the statement of Swami Nandgiri is on the point of last seeing the deceased chasing the applicant. There is recovery of a blood stained bamboo stick at the instance of the applicant. It appears from the post-mortem report that deceased died due to head injury by a hard and blunt object.

5 *Prima facie*, considering the material against the applicant, this

is not a fit case to enlarge the applicant on bail. Accordingly, the application is rejected. However, the trial of the applicant is expedited.

6 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.