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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 2872 OF 2018**

Nagesh @ Nagya @ Nageshwar Bhagwan BhosaleApplicants
and another

V/s.

The State of Maharashtra

.....Respondent

Mr. Satyavrat Joshi advocate for the applicants
Ms. S. S. Kaushik APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 30, 2019.

P.C.

Applicant is seeking regular bail in Crime No. 145/2017 registered with Talegao Dabhade Police Station, Pune Rural for offence punishable under Sections 395, 396, 397 of the Indian Penal Code.

2 The case of the prosecution is, applicant had committed dacoity, assaulted the victim Tejashree and murdered three persons

i.e. husband of Tejashree, her father-in-law and mother-in-law. The incident took place on 25/04/2017.

3 After the arrest of the applicant, charge-sheet in the matter is filed. Applicants are identified by the victim Tejashree who is an eye witness to the incident in question.

4 In the Test Identification Parade since to be proportion of dummies was found to be contrary to the instructions, the learned counsel for the applicants submits that Test Identification Parade cannot be considered against the applicants. The next submission is no clarification could be noticed from the investigation as regards the role played by each of the applicants.

5 The learned APP submits that there is sufficient material to infer *prima facie* involvement.

6 The fact remains that Tejashree, the victim to the incident in question has identified both applicants as accused who have

participated in the crime in question.

7 Apart from above, there is recovery against the applicants. The issue as regards whether Test Identification Parade was conducted lawfully or not cannot be appreciated at this stage of proceedings. Apart from antecedents, there is sufficient material to *prima facie* infer the involvement of the applicant in the crime in question. As such, application fails, stands rejected.

[NITIN W. SAMBRE, J.]