

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

CRIMINAL BAIL APPLICATION NO. 3073 OF 2018

Zunjar Shatrughna Maghade ... Applicant

Versus

The State of Maharashtra ... Respondent

Priyal Sarda I/by Rupesh Zade for Applicant.
Ms. Rutuja Ambekar, APP for Respondent – State.

CORAM : NITIN W. SAMBRE, J.
DATE : JANUARY 31, 2019.

P.C. :

. Heard learned Counsel for the Applicant and learned APP for State.

2. The Applicant is seeking regular bail in Crime No. 793 of 2017 for an offence punishable under Sections 302, 307, 452, 324, 323, 143, 147, 148, 149, 427, 109, 506 of Indian Penal Code, Section 37(1) read with Section 135 of the Mumbai Police Act and Sections 5 (25), 27 of the Arms Act. After arrest from 16th December 2017 the Applicant came to be chargesheeted.

3. The case of the prosecution against the Applicant is the Applicant being a member of an unlawful assembly with a common object entered into the house of complainant and assaulted his grand-mother namely, Dhondabai who died after four days of assault in the hospital.

4. In the aforesaid background, the learned Counsel for Applicant submits that the Court is required to appreciate the motive and intention of the Applicant in the commission of crime in question. According to him, the Applicant along with other co-accused even if presumed to have committed the crime in question, still fact remains that there was no intention to kill the old aged lady namely, Dhondabai, particularly when there was no enmity. He would also invite attention of this Court to the contents of Crime No. 794 of 2017 registered at the behest of the group member of the Applicant against the group members of the complainant which is arising out of the same incident. He submits that there are cross-complaint and false implication cannot be ruled out. Based on the chargesheet, the learned APP opposed the prayer for grant of bail.

5. There is sufficient material available on record including that of statement of the eye-witnesses which implicates the Applicant in the crime in question. If the intention and motive of the Applicant is considered at this stage of proceedings, in the public at large the Applicant with other co-accused armed with deadly weapon entered in the house of complainant and committed the crime in question. There is also recovery of blood stained clothes. In the wake of above, since there is a strong case against the Applicant, present Application needs to be rejected.

6. As such, Criminal Bail Application stands rejected.

(NITIN W. SAMBRE, J.)