

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

CRIMINAL BAIL APPLICATION NO. 2448 OF 2019

Pravin @ Khandya Pandurang Sawant ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. A. P. Mundargi, Sr. Advocate i/b Mr. Jayant J. Bardeskar, Advocate
for the Applicant.

Mr. S. H. Yadav, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 2nd MARCH, 2020

PC :

1. This is an application for bail in C.R. No. 201 of 2017 registered with Pimpri Police Station, Dist. Pune for offences punishable under Sections 302, 323, 342, 506 143, 147, 148 & 149 of Indian Penal Code. The applicant was arrested on 10th April, 2017.

2. The prosecution case is that the deceased Suhas Haldankar was the friend of complainant. On 9th April, 2017 when the complainant and his friend Datta Ingale were together, deceased came there and all of them went to hotel Balaji for tea. The deceased informed the complainant that accused No.1 Kalya @ Sandeep Kalapure threatening the deceased alleging that his job was lost because of him and that he was campaigning against Kailash Kadam

and he will have to face consequences. In the evening the complainant and his friend Datta Ingale had been to Mahesh Mitra Mandal Chowk and thereafter went to Patel Chicken Center. Deceased was coming from Kharalaie Mandir on motorcycle. Accused Sandeep Kalapure, Pratul @ Pappu Ghadge, Abhijit Kalapure obstructed the deceased and there was an argument with them. They pushed the deceased. He was assaulted with Cement Block by the accused. The offence was registered. Investigation proceeded. Co-accused were arrested. On completing investigating, charge-sheet was filed.

3. Learned counsel for the applicant submitted that the assault was on account of enmity between the deceased and accused Sandeep Kalapure. The applicant had no motive to kill the deceased. The allegations against applicant are vague. It is submitted that the contradiction in the statements of witnesses. The incident had occurred at the spur of moment. No weapon was used. C.C.T.V. footage shows that the act of blow given by cement block is attributed to other accused. The witnesses have stated the applicant had assaulted by fist and kick blows. The case of prosecution is that deceased was assaulted by several person. Post Mortem report is not in consonance with version of witnesses. The accused are implicated due to political rivalry. Co-accused were granted bail by this Court by

order dated 6th December, 2017 and 17th January, 2018.

4. Learned APP submitted that the involvement of the applicant is apparent from the statements of the witnesses. There are 10 eye witnesses to the incident who has attributed specific role of assault to the applicant. C.C.T.V. footage refers to the presence of the applicant and participation in crime. There are consistent statements of witnesses attributing role to the applicant.

5. I have perused the documents on record. The prosecution case is that the deceased was being threatened by the accused Sandeep Kalapure. There are statements of several eye witnesses who has attributed role of assault to the applicant. Presence of the applicant established at the place of incident. The deceased has sustained multiple injuries. Applicant and co-accused assaulted Suhas Haldankar (Deceased) by fist/kick blows and cement block. Deceased has sustained injuries on head. Statements of Datta Ingale, Prathmesh Medhekar, Akash Vitkar and others shows that they are eye witnesses. Applicant and co-accused assaulted Suhas by cement block. The C.C.T.V. footage indicates that the applicant had participated in the assault. At this stage from the statements of about 10 eye witnesses and the material on record, it cannot be said that the applicant's complicity in the crime is ruled out. The case of co-

accused who were granted bail can be distinguished. In the light of nature of evidence, no case for grant of bail is made out.

6. Hence, I pass the following order :

ORDER

Bail Application No. 2448 of 2019 stands rejected
and disposed of accordingly.

(PRAKASH D. NAIK, J.)