

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1696 OF 2021**

Nitin Subhash Jadhav
Versus
The State of Maharashtra

...Applicant

...Respondent

Mr. Satyavrat Joshi a/w Nitesh Mohite for the Applicant.

Ms. P.P.Shinde, A.P.P for the Respondent-State.

API, Gajanan Kamble attached to Sangli City Police Station.

CORAM : REVATI MOHITE DERE, J.
DATE : 4th OCTOBER, 2021

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. 270 of 2017 registered with the Sangli Police Station, for the alleged offences punishable under Sections 302, 364, 201 r/w 34 of the Indian Penal Code.
3. Perused the papers. According to the prosecution, the applicant, the applicant's son (juvenile accused) and one Amrut committed

the murder of Gajanan. It is alleged that the accused were together and had gone in a rickshaw to a liquor shop on 22nd November, 2017, after which, they decided to go to Hotel Manama for dinner. It is the prosecution case, that whilst passing through the College Corner Road to Patel Chowk, they reached Amba Bhuvan, where they saw one person standing on the road. It is alleged that the applicant's son (child in conflict with law) told the accused to see whether the said person had money with him. Hence, the said accused persons chased the said person standing on the road. It is alleged that all the accused went to the said person and started assaulting him. Thereafter, the said person was taken in the rickshaw towards Ghadge Hospital and when Gajanan (deceased) attempted to escape and run, the applicant held Gajanan and all the accused started assaulting him. The accused tried to search for money on the said person, but nothing was found.

4. It is further alleged that co-accused - Amrut and the child in conflict with law went to Amrut's house and brought an axe and thereafter, the deceased was taken to the sugarcane farm, where he was assaulted. As far as the applicant is concerned, there is evidence of last seen and recovery of his blood stained clothes as well as, blood stained clothes of the co-accused, as well as a pant worn by the deceased. As far as last seen is

concerned, admittedly, no TIP was held. Be that as it may, there is recovery of blood stained clothes at the instance of the applicant, not only of his clothes, but also the clothes of the co-accused and the deceased's pant. The C.A. Report tendered by the learned APP today, shows that the deceased's blood group was 'O' and so was the blood group of the applicant. The blood group found on the applicant's clothes and that of the co-accused is 'O'. Since, neither the applicant nor the co-accused had sustained any injury, the question of finding blood on their clothes would not arise. It also appears that the applicant has several antecedents i.e. C.R.No. 34 of 2014 registered for the alleged offences under Sections 324, 504, 506 r/w 34 of the Indian Penal Code; C.R. No. 180 of 2016 registered under Section 354-A and Section 12 of the POCSO Act; and another C.R. i.e. C.R.No.86 of 2017 registered for the offence punishable under Section 302 of the Indian Penal Code. It, thus, appears that the applicant is a habitual offender and whilst on bail, the aforesaid offence has been committed. Learned APP has tendered the C.A. report as well the report setting out the applicant's antecedents. The same are taken on record.

5. Considering the aforesaid and considering the material and the manner in which, the deceased, an innocent person was done to death, this is not a fit case to enlarge the applicant on bail.

6. Hence, the Application for bail is rejected and disposed of as such. However, since the case is of 2017, the trial of the applicant is expedited. The learned Judge to conclude the case as expeditiously as possible and in any event, within nine months from the date of receipt of this order.

7. It is made clear that the observations made herein are prima facie for deciding these applications, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.