

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2897 OF 2021

PRITAM GANAPATI PATIL

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Anand Patil, Advocate for the Applicant.

Ms.PN.Dabholkar, APP for the Respondent – State.

CORAM : V. G. BISHT, J.

**RESERVED ON : 17th NOVEMBER 2021
PRONOUNCED ON : 25th NOVEMBER 2021**

P.C. :

1 The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No.63 of 2017 registered with Police Station Rajarampuri, Kolhapur, for offences punishable under Section 302, 452, 201 read with 34 of the Indian Penal Code (IPC) and under Section 3(2)(v) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act.

2 It is the case of prosecution that on 3rd March 2017 the informant received an information from his friend, namely, Pritam Patil i.e. the applicant herein, informing him that he had a quarrel with Kiravale and he committed his murder. Even he required him to reach immediately in front of the residence of one Abhi Parte. Accordingly the informant reached there and found dead body of Krishna Rambhau Kiravale in a pool of blood. The informant, accordingly, lodged the report.

3 Mr.Anand Patil, learned counsel for the applicant submits that it is a case of extra-judicial confession. There is no eye witness to the incident. The learned counsel also invited my attention to the statement of various prosecution witnesses and submitted that he was only seen at the door of the place of incident. There is no direct evidence as also no recovery is effected at his instance. Even if it is taken for consideration that the incident had taken place, then it was an outcome of grave and sudden provocation. There are no criminal antecedents and therefore, in such circumstances, the applicant deserves to be enlarged on bail.

4 Ms.Dabholkar, learned APP, on the other hand, vehemently opposed the submissions by contending that there are eye witnesses to the incident and the postmortem report would show the number of blows given by means of a sharp edged weapon and that in itself reflects the intention of the applicant. There is no merit in the application and therefore, the same is liable to be rejected.

5 Perused the First Information Report (FIR) and investigation papers. From the statement of one Anant Mohan Pawar it is seen that on 3rd March 2017 when he came to know that a quarrel is going on between the applicant and Kiravale Sir, he went there. The applicant was standing at the door and was not allowing him and others to go inside the house. He also saw blood on his hands and when confronted, the applicant replied that the wife of Kiravale had bitten. Suspecting something wrong, this witness asked the applicant if he had killed Kiravale Sir to which the applicant replied that as Kiravale was not making the payment of furniture work done by him, he killed

him. This witness then went upstairs and found the deceased lying on the floor with injuries on his person. Even the applicant, according to this witness, uttered that he would now go to the police station.

6 Similar is the statement of Shubham Dilip Lalge. The statement of Professor Dayanand Pandurang Gawade shows that when he had been to the place of occurrence, he also found the applicant at the place of occurrence and also saw the dead body of the deceased in a pool of blood. Similar is the statement of Professor Rajkumar Annaso Waigade.

7 From the above, two things are apparently clear – firstly, the applicant was found at the scene of occurrence having blood on his hands and even he told the witnesses including the informant that he had killed the deceased, namely, Kiravale. The reason behind that was that the deceased was not making the payment of furniture work which the applicant had done for him. Secondly, I have also gone through the postmortem report.

Column no.17 shows as many as ten incised wounds sustained on vital parts of body of deceased by means of sharp edged wounds. According to the opinion as to the cause of death, it was “haemorrhage following multiple injuries with head injury (unnatural)”. Column No.22 of the postmortem report also shows that all injuries in Column Nos.17, 18 and 19 were individually or collectively sufficient to cause death in ordinary course of nature and were caused by sharp edged or moderately heavy type of weapon.

8 In view of above, it is clear that there is overwhelming evidence and it cannot be said that the case is based only on extra-judicial confession. Having regard to the material on record, I am not inclined to allow the application. Hence, I pass the following order :

ORDER

- (i) Application is rejected.

- (ii) However, learned trial Court shall expedite the trial.

(iii) It is made clear that the observations made herein are prima facie and the trial Court shall decide the case on its own merit, in accordance with law, uninfluenced by the observations made in this order.

(iv) The application is allowed in the aforesaid terms and stands disposed off accordingly.

(V. G. BISHT, J.)