

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

CRIMINAL BAIL APPLICATION NO. 1609 OF 2020

Krishna Ramesh Bhojane Applicant

Versus

The State of Maharashtra Respondent

Mr. Gajanan M. Savagave for Applicant.

Mr. S. H. Yadav, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 10th FEBRUARY, 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.415 of 2019 registered with Jaysingpur police station, Dist. Kolhapur, on 30/12/2019, under sections 302 and 307 of the Indian Penal Code (for short 'IPC'). The applicant is arrested on 30/12/2019 and since then he is in custody. The investigation is over and the charge-sheet is already filed.

2. Heard Shri. Gajanan Savagave, learned counsel for the applicant and Shri. Yadav, learned APP for the State.

3. The prosecution case has unfolded through the First

Information Report (for short 'F.I.R.') itself. It is lodged by one Azahar Nadaf, who himself is an injured in this incident. He has stated that the applicant was harassing his sister since past many days. The informant and his family had tried to dissuade the applicant from doing so, but he did not mend his ways and continued harassing the informant's sister. On 29/12/2019, at about 9:15p.m. the informant, his uncle Aamir and friend Santosh Ghorpade went to the workplace of the applicant and questioned him. It is alleged that, at that time, the applicant removed a knife from his pocket and gave blows on Aamir. The informant tried to intervene and, therefore, he was also assaulted by the applicant. Aamir succumbed to his injuries and the informant suffered serious injuries. Therefore, this F.I.R. is lodged.

4. The Postmortem notes show that there were 9 injuries. Most of them were stab injuries and incised wounds. The cause of death was mentioned as death due to haemorrhagic shock due to injury to heart and right jugular vein.

5. Learned counsel for the applicant submitted that, there is only one independent eye witness to the incident who was

present at the pan stall near the spot where the incident had taken place. All other witnesses are the friends and relatives of the first informant and deceased, therefore, there is no independent evidence against the present applicant. The applicant is in custody since December 2019 and his further custody for the investigation purposes is not required. He does not have criminal antecedents.

6. Learned APP opposed this application and relied on the statements in the charge-sheet. He submitted that, there are eye witnesses to the incident and they are consistent with their version.

REASONS:

7. With the assistance of learned counsel for the applicant, as well as, learned APP I have perused the charge-sheet. As rightly submitted by learned APP, there are eye witnesses to the incident. Most important witness is the first informant himself who had suffered injuries. The other eye witness was Santosh Ghorpade who had accompanied deceased and the first informant to the workplace of the applicant. He has seen the incident of assault. He has also supported informant's version. The statement of Shubham

shows that he has a pan shop stall near the spot of incident. He was knowing the applicant. He had seen two persons coming there on a motorcycle and quarreling with the applicant. This witness had seen the applicant removing a knife from his pocket and assaulting those two persons. As submitted by the learned counsel for the applicant, he is an independent witness and, therefore, his version is important. He has supported the prosecution case. Apart from this eye witness, there is circumstance of recovery of knife. It was recovered at the instance of the present applicant when he had thrown it on the way while going away from the spot after committing the offence. The applicant was arrested and at the time of arrest his clothes were seized. The clothes were blood stained. There is overwhelming evidence against the present applicant. It is consistent. The offence is serious. The applicant himself was harassing the sister of the first informant. Therefore, there is no justification whatsoever for commission of this offence. No case for bail is made out.

8. The application is rejected.

(SARANG V. KOTWAL, J.)