

Bhogale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.46 OF 2020**

Raju Chandrya Palava .. Applicant

vs.

The State of Maharashtra .. Respondent

Mr. Datta Mane for the Applicant.

Mr. N.B. Patil, APP for the Respondent-State.

CORAM : M.S.KARNIK, J.

DATE : JULY 22, 2021

(THROUGH V.C.)

P.C.

Heard learned counsel for the parties.

2. This is an application for bail in respect of an offence punishable under Section 302, 143, 144, 147, 148, 149, 326 of the Indian Penal Code registered as FIR bearing No.I-50 of 2017 with the Vikramgad Police Station. It is the case of the prosecution that the complainant Mr. Lanku Suraji Karpal on 23.07.2017, at about 9.00 a.m., along with 30 of his family members went to the disputed place being a farm bearing Gat No.428. The civil litigation was pending between Mannu Karpal and Waman Baraf in respect of the said Gat on the issue of share in the ancestral property. There was a fight between two groups. In the FIR, the complainant (injured witness) stated that the applicant gave blows on the head

of the applicant (complainant) as well as on the head of his uncle Kashinath Karpat by means of a wooden log. Another accused Mr. Vasant Babu Baraf also gave blows on the head of the informant as well as his uncle Kashinath with an iron bar. The chargesheet has been filed. My attention is invited to the injury certificate in respect of the applicant which shows head injury on the right parietal region. So far as deceased Kashinath is concerned, the certificate records a head injury above occipital region and injury admeasuring of CLW 3cm X 2cm X upto bone on occipital area of head. The object is stated to be hard and blunt. Kashinath succumbed to the injury. The statements of the eye witnesses have been recorded viz. Kalpesh Karpat, Raju Karpat and Motiram Karpat narrating the incident. In this view of the matter, I do not find this to be a fit case to grant bail to the applicant. The Application is rejected.

3. The request is made by learned counsel for the Applicant that the Applicant is in custody since 09.08.2017 and therefore the trial be expedited. The trial Court is requested to expedite the trial. In case the trial is not concluded within a period of six months from today, liberty to make a fresh application for bail.

(M.S.KARNIK, J.)

PRADNYA
MAKARAND
BHOGALE

Digitally signed by
PRADNYA MAKARAND
BHOGALE
Date: 2021.07.22
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