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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1370 OF 2021

Mahesh Purshottam Lekavale	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Kuldeep Patil i/b Ms. Heena Suvarnakar for the Applicant.

Mr. H.J.Dedhia, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 15th SEPTEMBER, 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. I-371 of 2020 registered with the Rajgad Police Station, Pune, for the alleged offences punishable under Sections 302, 307, 323, 324, 143, 147, 148, 149, 120B of the Indian Penal Code and Sections 4, 25 of the Indian Arms Act.
3. Learned Counsel for the applicant submits that the applicant

had no motive to cause the death of Pravin More. He further submits that the complainant – Dashrath Tukaram Dimble, in his complaint/FIR dated 7th July, 2020 although had alleged that the applicant was also one of the assailants, in his supplementary statement dated 9th July, 2020 has stated that the applicant was standing near the car when the assault took place and that after the assault, all the accused sat in the said car and left the spot, in the car driven by the applicant. He submits that the CCTV camera has not captured the car nor the applicant standing near the vehicle, at the time of the alleged incident.

4. Learned APP opposes the application. He submits that the applicant's presence has been consistently stated by all the witnesses, including the complainant, his wife and children.

5. Perused the papers. According to the complainant, his nephew - Pravin More was out on parole for 45 days. He has stated that his nephew - Pravin More was in jail in connection with a murder case i.e. murder of Yuvraj Bhilare and, was in custody since 2017. According to the complainant, Datta Lekavale (original accused No.1 in the present case), a friend of Yuvraj Bhilare, was an eye-witness in Yuvraj Bhilare's murder case. It is alleged that Datta Lekavale was extremely upset and angry as the applicant had murdered his friend - Yuvraj. The complainant has

further stated that the incident took place on 6th July, 2020 at about 8.15 p.m. He has stated that Pravin received a call on his mobile, pursuant to which, he left the house; that he heard people shouting, as a result of which, he went outside and saw four persons assaulting Pravin with koytas; that Datta Lekavale, Mahesh (applicant) and two unknown persons were having koytas and that they were assaulting Pravin; that he and his children intervened, however, they were not successful. According to the complainant, after the incident, all the accused left in the car. It appears that in the supplementary statement dated 9th July, 2020, the complainant has stated that the applicant was standing near the car and that Datta (applicant's brother) and two others were assaulting Pravin and that after the incident, all of them left in a car driven by the applicant. The said statement that the applicant was standing near the car and that after the incident, they all left in the said car driven by the applicant is consistently stated by all the witnesses. All the accused are stated to be armed with koytas. The presence of the applicant is consistently stated to by all the witnesses. In the facts, merely because the applicant has not been attributed any overt act of assault on Pravin cannot be a ground for releasing the applicant o bail. The possibility of the applicant threatening or intimidating the witnesses also cannot be ruled out. The post mortem report of deceased – Pravin shows that he had sustained as many as 19

injuries. The cause of death is stated to be ‘acute cardio respiratory arrest due to multiple incised injuries on body with major vessels torn with crush injury with compound fracture with fractured cervical spine’.

6. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail.

7. The application is rejected and accordingly, disposed of.

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

REVATI MOHITE DERE, J.