

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

CRIMINAL BAIL APPLICATION NO. 1355 OF 2020

Ganesh Sanjay Pawar	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Akshay Bankapur, for the applicant.
Mr. S.H. Yadav, APP for the State/Respondent.

CORAM: SARANG V. KOTWAL, J.
DATE : 28th JUNE, 2021
(Through Video Conferencing)

1. The applicant is seeking his release on bail in connection with C.R.No. I-118 of 2018 registered at Wadner Khakurdi Police Station, Nashik, on 21/10/2018 under sections 302, 307, 323, 143, 147, 148, 149, 114, 504, 506 of the Indian Penal Code. The applicant was arrested on 22/10/2018 and since then he is in custody. The investigation is over and the charge-sheet is filed.

2. Heard Mr. Akshay Bankapur, learned counsel for the applicant and Mr. S.H. Yadav, learned APP for the

State.

3. The FIR was lodged by Mahendra Thorat on 21/10.2018. He has stated that the informant's elder brother Rajendra questioned one Sanjay Pawar as to why his son i.e. the present applicant had caused harm to the informant's mother. Sanjay Pawar got angry, went home and came back with his group. He was accompanied by four others including the present applicant. The applicant was having chopper, others were having sickle, gupti etc. The applicant's group was abusing the informant's brother. The FIR mentions that the informant saw that the applicant gave a forceful blow on the left side Rajendra's chest. Rajendra's wife tried to save him. She was also assaulted by Sanjay Pawar. The others from the area gathered there and took the injured to the hospital. In the hospital, the informant's brother Rajendra was declared dead. On this basis FIR was lodged.

4. Learned Counsel for the applicant submitted that the applicant is a 19 year old boy. He has no

criminal antecedents. He submitted that the mother of the deceased Rajendra has given her statement. In her statement she has stated that the deceased was assaulted by Bhayya @ Dinesh. Thus there is variance between the version of Sundarabai and the first informant. He therefore submitted that the applicant deserves to be released on bail.

5. Learned APP opposed this application. He submitted that there is recovery of knife and blood stained clothes at the instance of the present applicant. He submitted that there are independent eye witnesses who have consistently narrated the incident.

6. I have considered these submissions. I have perused the charge-sheet, and in particular, statements of eye witnesses namely Rahul Akhade, Sagar Ahire, Kalu Khare and Vinod Khare. All of them have consistently stated that the applicant had stabbed the deceased on chest with a knife. The argument that Sundarabai had

attributed this role to some other person is also not correct because she has given name of assailant as Bhayya @ Dinesh. The applicant was also known as Bhayya. The other eye witnesses have consistently named the applicant.

7. The applicant had used deadly weapon and ihad stabbed the deceased on chest. Thus his intention, knowledge and preparation are clearly made out. Looking to the nature of the evidence against the present applicant, no case for bail is made out.

8. The application is rejected.

(SARANG V. KOTWAL, J.)