

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

CRIMINAL BAIL APPLICATION NO. 1464 OF 2020

Kishor @ Babu Vijay Bhapkar	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Chetan Alai i/b. Vikram Tare Patil for Applicant.
Smt. A. A. Takalkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th MARCH, 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 495 of 2019 registered with Baramati City police station, Pune Rural, on 04/06/2019, under sections 143, 145, 147, 148, 149, 302, 323, 504, 506 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Chetan Alai, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Balaso, son of the deceased Jagannath Gawade. He

has stated in his F.I.R. that, there was long standing dispute between his father Jagannath and family of one Vaijanta Gawade. The family of Vaijanta had left the village. However, Vaijanta's family used to visit village Medad on many occasions. They had their friends in the said village. The applicant was one of the friends of Vaijanta's sons. On 03/06/2019 at about 4:00p.m the informant's father Jagannath was returning home from a temple. The informant and his brother Arjun were going to the temple. They saw that their father Jagannath was encircled by all the accused including the present applicant. They were assaulting the informant's father with sharp weapons. He fell down at the spot. The informant and his brother rushed there. Jagannath had suffered serious injuries. He was taken to the hospital. The informant had seen all the accused with sharp weapons. The applicant was having a blood stained knife. On this basis the F.I.R. was lodged. The deceased had succumbed to his injuries. The applicant was arrested on 17/09/2019 and since then he is in custody. The investigation is over and the charge-sheet is already filed.

4. Learned counsel for the applicant submitted that, all the other accused are released on bail. Three accused are released under the provision of section 167 of Cr.p.c. and one accused Anna Gawade is released on bail by this court. He submitted that, there is delay in lodging of F.I.R. and narration in the F.I.R. is not consistent with the version of eye witnesses.

5. Learned APP opposed this application. She relied on the F.I.R., as well as, statement of eye witness Arjun. She also submitted that, recovery of knife is at the instance of present applicant.

6. I have considered these submissions and with the assistance of both learned counsel, I have perused the charge-sheet. The postmortem notes show that the deceased had suffered 7 injuries all over the body. The cause of death was mentioned as “cardio respiratory arrest due to hemorrhagic shock following multiple injuries”. The F.I.R. clearly attributes particular role of assault to the present applicant. A weapon knife is also attributed to him. The version in the F.I.R. is supported by the informant’s brother Arjun’s statement. At this stage, there is overwhelming

evidence against the present applicant. The person who is granted bail by this court (Coram: Sandeep K. Shinde, J.) was 75 years of age. No such leniency can be shown to the present applicant in the light of evidence against him. No case for bail is made out.

7. The application is rejected.

(SARANG V. KOTWAL, J.)