

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

CRIMINAL BAIL APPLICATION NO. 1727 OF 2020

Bajrang @ Chetan Ramu Holkar Applicant

Versus

The State of Maharashtra Respondent

Ms. Rati Sinhasane i/b Umesh R. Mankapure, for the applicant.

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

**CORAM: SARANG V. KOTWAL, J.
DATE : 9th JUNE, 2021
(Through Video Conferencing)**

P.C. :

1. The applicant is seeking his release on bail in connection with C.R.No. 190 of 2020 registered at Kavathemahankal Police Station, Sangali, under sections 302, 307, 354, 323, 143, 148, 149 and 188 of the Indian Penal Code. The applicant was arrested on 03/05/2020 and since then he is in custody. The investigation is over and the charge-sheet is filed.

2. Heard Ms. Rati Sinhasane, learned counsel for the applicant and Mr. S. H. Yadav, learned APP for the State.

3. The FIR was lodged by one Rutuja Netaji Gore in respect of murder of her father Netaji Gore. She has stated in the FIR that there was enmity between the informant's family and the family of Nitin Holkar since 2018. On 2/5/2020, when the informant was sitting under a tree near her house with her parents, brother, sister, cousin and her friend Ashwini, at that time, the main accused Nitin Holkar passed from that road. He started quarreling with the informant's father Netaji. Nitin threatened to kill him. He went away from there. After 15 minutes he came back accompanied by 7 to 8 other persons including other lady members of his family and the present applicant. All of them were carrying weapons like axe, sticks and sword. The informant and her family tried to protect Netaji by concealing him in their house. The accused threatened the informant's

family that they would set entire house on fire. The informant got scared and opened the door. Her father Netaji came out. He was brutally assaulted by the accused. It is alleged in the FIR that Nitin assaulted him with axe on shoulder, Prasad Holkar and the present applicant assaulted him with stick and others also took part in the incident. Afterwards the accused left from there as people from locality came there. Injured Netaji was taken to hospital and then this FIR was lodged. Ultimately the deceased succumbed to his injuries.

4. Learned counsel for the applicant submitted that the applicant is implicated falsely. He had no direct enmity with the family of the deceased. She submitted that all the eye witnesses are relatives of the deceased and therefore they are not reliable. She further submitted that co-accused Navnath Holkar and Annasaheb Holkar, who are similarly placed; are granted bail by the Sessions Court. Therefore on the ground of parity, the applicant also deserves to be released on bail.

5. Learned APP opposed the application. She submitted that at this stage there is no reason to doubt the statements of eye witnesses. Specific role is attributed to the applicant which is corroborated by the injuries suffered by the deceased.

6. I have considered these submissions. With the assistance of both learned Counsel, I have perused the charge-sheet.

7. The charge-sheet contains statements of eye witnesses Rahul who is son of the deceased, Kusum who is widow of the deceased, Amol Madkar who is cousin of the informant and Ashwini who is friend of the informant. Their statements are consistent. They have stated about the incident in the same manner as is described in the FIR. All of them have stated that the applicant had taken part in the assault. The deceased was brutally assaulted. The family of the deceased had tried to save him by locking him in their house. However, lady members of his

family members were threatened and assaulted and finally they had to open the doors. After that, the assailants including the present applicant assaulted the deceased.

8. The post mortem notes show that there were injuries on the shoulder and head. The head injuries are described as C.L.W.'s which can also be caused by sticks . There were fractures on occipital area and subdural occipital region. The cause of death was mentioned as hemorrhagic shock due to head injury.

9. Thus there is sufficient direct material against the present applicant corroborated by the injuries suffered by the deceased. Therefore no case for bail is made out.

10. The application is rejected.

(SARANG V. KOTWAL, J.)