

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

BAIL APPLICATION NO. 3190 / 2019

Rupesh Dilip Sankpal

.....Applicant

V/s.

The State of Maharashtra

....Respondent

* * * *

Mr. Harshad Sathe, Advocate for the applicant.

Mr. S.R. Agarkar, APP for State.

CORAM : SANDEEP K. SHINDE, J.

Thursday, 11th March, 2021.

P.C. :

1. Heard learned Counsel for the applicant and
learned APP for State.

2. Applicant seeks his enlargement on bail in
connection with Crime No. 816/2018 registered with
Bhosari Police Station for the offences punishable under

Sections 302, 324, 143, 144, 147, 148, 149 of the Indian Penal Code, under Section 4(25) of the Arms Act and Section 37(1)(3) read with Section 135 of the Maharashtra Police Act. The investigation in the crime is over and the chargesheet has been filed. Applicant was arrested on 30th December, 2018.

3. The learned Counsel for the applicant submits that, applicant has no criminal antecedents; trial is not likely to commence within reasonable time and his presence for the trial can be secured by imposing appropriate conditions, he may be granted bail. Besides, it is argued that the clothes allegedly worn by the applicant, had no bloodstains and this fact can be discerned from a report/letter forwarded by the Inspector to the Forensic Laboratory to the Investigating Officer. Submission is that, the allegations made by the complainant that he repeatedly inflicted blows on the deceased by a sickle were

not probable, in light of the fact that, no bloodstains were visible on the clothes of the applicant. Also argued that, there is no recovery of weapon at the instance of the applicant. The next submission is that, co-accused Sunny Gajbhiv has been released on bail by this Court vide order dated 19th January, 2021. On these grounds, bail is sought.

4. I have perused the investigation record. The alleged incident had taken place on 30th December, 2018 at around 2.00-2.30 a.m. Someone had knocked the door pursuant to which the complainant (aunt of the deceased) had opened the door. After which the applicant and the co-accused forcibly entered the house. It is alleged, the applicant and Abhishek Chavan inflicted sickle blows on Alvin (deceased). It is alleged that, Alvin fled the spot, but was chased by the accused person and again assaulted. A complaint was lodged by the aunt, of the deceased in the morning at about 8.51 hrs. The statement of the

complainant is also corroborated by another witness, eventually a mother of the complainant, who was present in the room where the incident had taken place. In so far as, bail granted to the co-accused is concerned, it may be stated that the role attributed to the co-accused, Sunny is different from the role attributed to the applicant. In consideration of the facts of the case and in view of the two eyewitness, I am not inclined to release the applicant on bail. The application is rejected.

5. It is made clear that, observations made hereinabove, shall be construed as expression of opinion for the purpose of rejecting bail only and the same shall not, in any way, influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)