

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1677 OF 2022
WITH APPLN/3860/2022 IN BA/1677/2022

Ravi @ Revant Dashrath Katarnaware, Age 36 years,
Occu. Business, R/o. Near Sai Vitthal Lawn,
A/p. Jambut, Taluka Rahata,
District Ahmednagar .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr. R. R. Karpe, Advocate for Applicant;
Mr. S. B. Narwade, A.P.P. for Respondent/State;
Mr. S. B. Kadu, Advocate for Complainant

CORAM : S. G. MEHARE, J.

DATE : 22-11-2022

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.P.P. for the respondent/State and the learned counsel for the complainant.

2. The learned counsel for the applicant would vehemently argue that the presence of witness Darshan Waghmare was not possible on the spot of the incident. In first part of the statement, he has stated that he saw the deceased going with other co-accused to the house of one Sanjay Nikale. Therefore, it is quiet impossible for him to reach on the spot and the witness. It has been argued that if the applicant had an intention to kill the deceased, they would have not taken him to the other place. He has also argued that the evidence of the witnesses is not consistent. The presence of either of the witnesses was also

doubtful. However, they have concocted the story and falsely implicated the applicant in the crime as there was a dispute two days before the alleged incident. He has referred to the various documents and vehemently argued that considering the cumulative effect of the evidence against the applicant, it would be difficult to digest the involvement of the applicant in the alleged crime.

3. The learned A.P.P. for the respondent/State and the learned counsel for the complainant would submit that there are eye witnesses to the incident. The applicant was seen present on the spot of the incident with weapon. One of the witness saw the applicant assaulting the deceased with sword. Many persons have committed the offence. The applicant and his friends have created the terror in the locality. The offence is serious. Hence, the applicant may not be entitled to bail.

4. Perused the chargesheet. There are ocular witnesses to the incident. The witnesses have specifically stated the role played by the applicant. The witnesses saw the applicant assaulting the deceased with deadly weapon. The deceased died due to the injuries suffered in the assault. The prosecution has a *prima facie* evidence against the applicant. The offence is apparently grave. In view of the above facts of the case, it is not desirable to admit the applicant on bail. Hence, the application stands dismissed.

5. Criminal Application No. 3860 of 2022 stands allowed and disposed of.

(S. G. MEHARE)
JUDGE