

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

BAIL APPLICATION NO.2355 OF 2022

Ashok Sambhaji Sargar

Age: 29 years, Occ: farmer

R/o-Tirwandi, Taluka-Malshiras

District-Solapur

(Presently detained in LaturApplicant.

District Jail-1) (Original accused no.2.)

Versus

The State of Maharashtra

(Through Malshiras Police

Station vide C.R.No.30 of 2022)Respondent.

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Mr Niranjan Mundargi, Advocate i/b Mr Rupesh A. Zade for the Applicant.

Mr M.G.Patil, APP for the State.

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CORAM : R. N. LADDHA, J.

DATE : 20 DECEMBER 2022.

P.C.:

Heard Mr Niranjan Mundargi, learned Counsel appearing for the Applicant, and Mr M.G.Patil learned Additional Public Prosecutor appearing for the Respondent-State.

2. The Applicant in the present case is seeking bail in connection with C.R.No.30 of 2022 registered at Malshiras Police

Station, against the Applicant for the offences punishable under Sections 302, 341, 324, 120(B), 143, 147, 148, and 149 of the Indian Penal Code

3. The allegations against the Applicant and other co-accused are that they conspired together and assaulted the deceased, and committed his murder.

4. The learned Counsel for the Applicant submits that the Applicant is falsely implicated in this case. It is submitted that there are contradictory statements from the witnesses. He submitted that the injuries mentioned in the post-mortem report do not reflect that the sharp- edged weapon caused those. It is submitted that the charge sheet is filed, and the alleged weapons are recovered. The Applicant has been in jail since 28.1.2022. It is submitted that the investigation is complete, and the charge sheet has been filed.

5. Mr M.G.Patil, learned Additional Public Prosecutor appearing for the State, submitted that the offence is serious and the Applicant was actively involved in the offence that led to the registration of the FIR against the accused persons including the Applicant.

6. This Court has perused a copy of the charge sheet filed along with the accompanying documents. Insofar as the present Applicant is concerned, prima facie, there is material on record to indicate the presence of the Applicant and his specific role in the crime.

It appears that the FIR makes specific allegations against the Applicant that he has given an axe blow on the head of the deceased. There are three head injuries, and two are bone-deep. It further appears that cross FIR was also lodged. Apart from the complainant, five eyewitnesses have named the Applicant as one of the assailants. The weapon, an axe that has blood stains allegedly used in the incident, was recovered at the behest of the Applicant. Earlier, also one N.C. was lodged against the Applicant.

7. Given the above, this Court thinks that looking to the seriousness of the offence and the manner in which the deceased was murdered, the Applicant cannot be granted bail. This Court is of the opinion that the material on record prima facie indicates the active involvement of the Applicant, and therefore, the application is dismissed.

8. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

[R. N. LADDHA, J.]