

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO.707 of 2022****(modified as per order dt.13/9/2022)**

Sachin Dinesh Singh

.. Applicant

Versus

The State of Maharashtra

.. Respondent

...

Mr. Rajendra Rathod with U. Dalvi for the applicant.

Ms.P.N. Dabholkar, APP for the State.

PSI Shri M. Gaikwad from Powai police station.

CORAM: BHARATI DANGRE, J.**DATED : 25th AUGUST 2022****P.C:-**

1 The applicant is charged for offence u/s.302 r/w Section 34 IPC. The applicant was arrested on 19/2/2020 when the incident took place, and as per the prosecution case, the deceased Amol is done to death.

2 The learned counsel has invited my attention to the statement of an eye witness Umesh Kharat, who has narrated the actual happenings on the spot as he was present. The said witness has specifically narrated that some quibble ensued between the deceased and the applicant, and the applicant took out a knife and assaulted Amol on his chest and stomach.

Corresponding to the said narration are the injuries indicated in the post mortem report and column no.17 refer to 8 injuries, out of which five injuries are stab injuries. The cause of death has been ascertained as '*hemorrhage and shock due to stab to chest and Abdomen*'

3 The case of the prosecution clearly surfacing on record through the charge-sheet, I am not ready to accept the submission of the learned counsel for the applicant, that the applicant may, at the most, be convicted u/s.302-II IPC whether the offence of Section 302 can be converted to one covered under Part-II and Section 304 would depend upon the outcome of the trial and the evidence that would be placed by the prosecution before the trial Court.

Mere young age is also not a ground to release the applicant on bail.

Application is rejected.

(SMT. BHARATI DANGRE, J.)