

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 933 OF 2022

Kalidas alias Sagar Malhari Jadhav ...Applicant
V/s.

The State of Maharashtra ...Respondent.

Mr. D.V. Sawant a/w. Mr. Priyank Kulkarni and Ms Manali Sawant i/b
P.S. Chambers for the Applicant.
Mr. Amit Palkar, APP for the Respondent/ State.

CORAM : N.R. BORKAR, J.
DATE : 13.12.2022.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.52 of 2021 registered at Loni kalbhor Police Station, Pune for the offences punishable under Sections 302 and 506 read with 34 of the Indian Penal Code and Section 4 read with 25 of Arms Act.
3. According to the prosecution, there was a enmity between the deceased and co-accused Amol Jadhav. It is alleged that due to said enmity on 27 January 2021 at about 11.30 p.m., the present applicant along with other co-accused assaulted the deceased by koyta, iron rod and knife and committed his murder.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

5. The learned counsel for the applicant submits that even if the case of the prosecution is accepted, still the fact that the applicant was armed with iron rod would show that, he had no intention to kill the deceased. It is submitted that there is no recovery at the instance of the applicant. It is submitted that the applicant is in jail for about two years and his further detention is not warranted as the investigation is over and charge-sheet is filed. It is accordingly, submitted that the applicant may be released on bail.

6. On the other hand, the learned APP for the respondent/ State submits that there are eye-witnesses to the incident. It is submitted that the deceased was brutally assaulted. It is thus, submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the statement of the eye-witnesses. According to the eye-witnesses, the present applicant assaulted the deceased by iron rod. Perusal of the post-mortem report shows that the deceased was brutally assaulted as there are 19 injuries. I am therefore not inclined to released the applicant on bail. Hence, the Bail Application is rejected.

8. Considering the fact that the applicant is in jail for about two years, the Trial Court shall endeavour to conclude the trial as early as possible.

(N.R. BORKAR, J.)