

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

BAIL APPLICATION NO. 2449 OF 2021

Nishant Pundalik Patil

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Vinay Bhanushali for the Applicant.

Mrs. Rutuja Ambekar, APP for the State.

Mr. Pradeep Nimbalkar for the Complainant.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 21st MARCH, 2022.**

P.C.

1. This application under Section 439 Cr.P.C. is filed by the aforesaid applicant who is facing trial in Sessions Case No. 227 of 2015 on the file of the Addl. Sessions Judge, Thane, for the offences under Section 302, 120-b, 143, 144, 147, 148, 149 of IPC, Section 3, 25 of Arms Act, and under Section 37(1)(3) r/w. 135 of Bombay Police Act.
2. The charge against the Applicant is that he along with the co-accused formed an unlawful assembly with an intention of causing death of Sandip Patil. It is stated that the Applicant and others were armed with fire arms and other deadly weapons and that one of the accused fired gun shots and others assaulted said Sandip such deadly weapons and thereby caused his death.
3. Heard Mr. Bhanushali, learned Counsel for the applicant and Mrs. Ambekar, learned APP for the State. I have perused the records and

considered the submissions advanced by the learned Counsel for the respective parties.

4. The records reveal that the trial has already commenced. Twelve witnesses, including the first informant Waman and one of the eye witnesses Vivek Wagh- P.W.2 have been examined. The evidence of PW2 reveals that he had seen the Applicant and others inflicting injuries on the deceased. The statement of the other eye witness Ravi, who is yet to be examined, also prima facie shows the involvement of the Applicant in commission of the said crime. The post mortem report shows that the deceased had sustained as many as 20 injuries, including fire arm injuries, chop wounds, puncture wounds, stab wounds etc. The post-mortem report prima facie indicates that the assault was brutal.

5. The material on record prima facie shows involvement of the Applicant in committing serious offence. The trial has already commenced. One of the eye witnesses is yet to be examined. Considering the seriousness of the offence, in my considered view, the Applicant would not be entitled for bail solely on the ground that he is in custody since 2018. Under the circumstances, the Application is dismissed.

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(ANUJA PRABHUDESSAI, J.)