

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

BAIL APPLICATION NO.1446 OF 2019

Anil Tukaram Randive

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Aniket Nikam with Mr. Vivek Arote for the Applicant.

Mr. M.G. Patil, APP for Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 23rd NOVEMBER, 2022.

P. C. :-

1. This is an application under Section 439 of Cr.P.C. filed by the aforesaid Applicant, who is facing trial in Sessions Case No.178 of 2018 on the file of learned Additional Sessions Judge, Pune, for the offence punishable under Sections 302 r/w. 34 of the IPC.

2. Heard Mr. Aniket Nikam, learned counsel for the Applicant and Mr. M.G. Patil, learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The case of the prosecution is that on 23/11/2017 @ 8.15

p.m. the Applicant herein caused death of Nanda Mali. The FIR lodged by Dnyaneshwar Gorakh Jadhav prima facie indicates that he had seen the Applicant inflicting injury on Nanda by means of an axe. The alleged incident was also witnessed by Vimal Jadhav, Gorakh Jadhav, Sapna Jadhav and Chandani Londhe. The statements of these eye witnesses also support the case of the prosecution. The post mortem report also reveals that there was a chop wound over submandibular region of neck and chop wound over neck. There were two chop wounds over the neck of the deceased and Doctor has opined that the death was caused due to shock and hemorrhage due to chop injuries over neck.

4. Offence is of serious nature. There is prima facie material to show the involvement of the Applicant in commission of the crime. Considering the gravity of the offence, I am not inclined to release the Applicant on bail. Hence the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)