

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

BAIL APPLICATION NO. 2461 OF 2021

Baban Dagdu Shinde	...	Applicant
<i>Versus</i>		
The State of Maharashtra and Anr.	...	Respondents

Mr. Anurag Ghag a/w Mr. Ashish Dubey i/by Ujjwal Gandhi for the Applicant.

Ms. M. R. Tidke, APP for the State.

CORAM : VINAY JOSHI, J.

DATE : 29th APRIL, 2022

P.C. :-

1. The applicant is seeking regular bail in Crime No.12 of 2021 registered with Vadgaon Maval Police Station, Dist. Pune for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 427, 354, 341, 504, 506 of the Indian Penal Code and Section 135 of the Bombay Police Act.

2. The bail is claimed on the ground of innocence, false implication, inadequacy incriminating material. It is submitted that T. I. Parade is defective as there was every possibility of applicant viewing by the witnesses prior to the hold of T. I. Parade. The State resisted bail by contending that the incident occurred on flimsy ground in which a young boy was killed on account of rash driving.

3. It is the prosecution case that on the date of occurrence, informant lady along with her two sons including deceased Shubham were proceeding by their car. While they were taking a turn, one swift car came from behind and abused deceased Shubham who was driving

the car. There was altercation in between them. After sometime when the car proceeded and went near railway gate again swift car followed them as well as one another Eco car came there. Several persons were in the car. They were armed with deadly weapons and they assaulted Shubham as well as his brother. PM note states that there were several injuries on the person of deceased. The Investigating Agency has conducted prior T. I. Parade in which injured witness-Prashant Dongare as well as informant Bharti Dongare have identified the applicant.

4. It is argued that T. I. Parade is defective since dummies of younger age were used in defiance with the procedure laid down in criminal manual. This aspect is a matter of consideration in Trial Court. At this juncture, it is to be looked that both eye-witnesses who have closely seen the occurrence have identified applicant as one of the assailant. The Police have also produced CDR to show that there was inter-say communication between the accused to gather near railway gate. Assault was made within public view that too without reason. A young boy has lost his life. There was eye-witness to the occurrence. Considering the gravity and seriousness of the offence, it is not a fit case to grant bail.

5. Hence, application stands rejected.

[VINAY JOSHI, J.]

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