

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

**BAIL APPLICATION NO. 1341 OF 2020**

Datta Bhujang Misal ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Ghansham Jadhav for the Applicant.  
Mrs.A.A.Talwalkar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI, J.  
DATED : 21<sup>st</sup> APRIL, 2022.**

**P.C.**

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid applicant, who is facing trial in Sessions Case No. 99 of 2020 for offences under Section 302, 201 r/w. 34 of Indian Penal Code.

2. Heard Mr. Jadhav, learned Counsel for the applicant and Mrs. Talwalkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

3. The records prima facie reveal that on 28.09.2019, while the Complainant Jaydeep Shivnath Bade, Police Constable, was on patrolling duty, he saw a crowd gathered near old Octroi Naka. He went to the spot and saw one unidentified body lying in the cabin with

injuries on head and face. He informed his superior Officer, and lodged the FIR, which Crime No. 585 of 2019 came to be registered with Kashimira Police Station for the aforestated offences.

4. The statement of Laxmi Das reveals that the deceased was addicted to ganja, alcohol, etc. He used to suspect her character and abuse and assault her. Since about four months prior to the incident she was residing with her parents. The deceased would visit her maternal home and abuse her under the influence of alcohol.

5. The Applicant, who is her maternal cousin, her brother Rahul, and the deceased visited her on 25.09.2019 to celebrate the birthday of her daughter. On 27.09.2019, she learnt that the police had admonished her brother Rahul, the Applicant and the deceased for having altercation with a rickshaw driver. The deceased who was under the influence of alcohol started abusing her and she threw them out of the house. At about 2.00 to 2.30 a.m. her brother Rahul and the Applicant returned home and told her that they had been to Kashimira and have done away with the deceased Sagar.

6. The Statement of Chayya Bhise, the mother-in-law of the deceased also prima facie reveals that the deceased used to abuse and assault her daughter Laxmi. He suspected that she was having illicit relationship with the Applicant. She has further stated that on 27.09.2019, at about 9.00 p.m. the Applicant, the deceased and Rahul had came home under the influence of alcohol. They were abusing each other. The deceased

was also abusing his wife, hence they threw them out of the house. She has stated that at about 2.00 to 2.30 p.m. the Applicant and the co-accused Rahul returned home, she had seen blood stains on their clothes. They stated that they had been to Kashimira and that they have done away with the deceased Sagar.

7. The post-mortem report indicates that there were about fourteen injuries on the body of the deceased and his death was due to head injury with multiple injuries. The post-mortem report reveals that the deceased was murdered in a brutal manner. The statements of Laxmi and her mother prima facie show the involvement of the Applicant in commission of the crime. The CDR details also shows the location of the Applicant's phone near the place of the incident at around the time of the incident.

8. The gravity of the offence, the nature of accusation, the material in support thereof and the relationship between the Applicant and the witnesses does not justify grant of bail. Hence the Bail Application is dismissed.

PRASANNA P  
SALGAONKAR

Digitally signed  
by PRASANNA  
P  
SALGAONKAR  
Date:  
2022.04.25  
19:17:18  
+0530

**(ANUJA PRABHUDESSAI, J.)**