

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

CRIMINAL BAIL APPLICATION NO.2597 OF 2021

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Vikram @ Vicky Dattatray Dhadiwal ..Applicant
Versus
State of Maharashtra ..Respondent

Mr. S. T. Pandey a/w Anima Mishra, Angela Singha & Kajal
Upadhyay i/by SBG Law Advocates, for the Applicant.
Ms. Geeta P. Mulekar, APP for the Respondent/State.

CORAM : NITIN W. SAMBRE, J.

DATE : 28th SEPTEMBER, 2022

PC.

1. Manik and Pundalik were assaulted by the accused along with his brother Ajay. Pundalik accordingly gave FIR dated 2nd September, 2020 implicating Ajay with an active participation with use of weapon. The role attributed to the applicant is that of helping Ajay in the commission of crime. The submissions are, role attributed to the applicant is only to the extent of assault by fist and blows and the applicant has not aggressively participated in the commission of crime.

2. APP would oppose the prayer based on investigation carried out.

3. It appears that the applicant assaulted Pundlik whose

son Manik was assaulted by Ajay/co-accused. Ajay has used knife in the commission of offence. Both, son Manik, so also Pundalik were died in the offence in question. As motive attributed to the applicant is that of father and son duo were causing impediment in the illegal activities of the applicant with Ajay of smoking Ganja and consuming liquor in the temple premises, in view of statement of eye witnesses, the statement of deceased Pundalik which is in the form of FIR can also be treated as dying declaration, in my opinion, no case for bail is made out.

4. The application as such fails, rejected.

[NITIN W. SAMBRE, J.]