

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

BAIL APPLICATION NO.2022 OF 2022

Ganesh Balkrishna Chiplunkar
Age 32 years, Occ: not known,
presenly lodged in Ratnagiri Special
prison, Add:House No.357,
Kaviltali, Ne.Bandal High School,
Chiplun,Dist.Ratnagiri
(Presently lodged in Chiplun Central
Prison)

...Applicant.

Versus

The State of Maharashtra
Through Public Prosecutor,
High Court (AS)Bombay
through Sr.Inspector of Police,
Chiplun Police Station, Mumbai.
In C.R.no.268 of 2020 registered
at Chiplun Police station

... Respondent.

...

Mr Bhavik Pratap Manek, Advocate for the Applicant.
Smt M.M.Deshmukh, APP for the State.

...

CORAM : R. N. LADDHA, J.

DATE : 23 DECEMBER 2022.

P.C.:

By this application, the Applicant is seeking bail in

connection with C.R. No.268 of 2020 registered at Chiplun Police Station, against the Applicant for the offences punishable under Sections 302 of the Indian Penal Code.

2. Mr B.P.Manek, learned counsel appearing on behalf of the Applicant, submitted that the Applicant was arrested on 16.11.2020, on the day of the incident, and since then, he has been behind bars. The Sessions Court rejected the application for bail filed by the Applicant. It is submitted that there is no eyewitness to the incident and the entire case of the prosecution rests on circumstantial evidence. The Applicant has been in custody for more than two years. It is submitted that the Applicant and the deceased were both addicted to liquor. It is submitted that the Applicant was not involved in the crime, and most of the prosecution witnesses are relatives of the parties. It is submitted that the weapon, i.e. wooden log was already recovered. It is submitted that there is no flight risk as Applicant undertakes to face trial. It is submitted that the investigation is completed, and the charge sheet has been filed. Therefore, the custodial interrogation of the Applicant is not warranted.

3. Mrs M.M.Deshmukh, learned Additional Public Prosecutor appearing for the State, submitted that the offence is serious and punishable with death. It is submitted that although the prosecution case is based on circumstantial evidence, but the

prosecution has completed the said chain. It is submitted that there were 7-8 injuries found on the vital parts of the body of the deceased.

4. This Court has perused the copy of the charge sheet filed along with the accompanying documents. A perusal of the complaint leading to the registration of FIR shows that the Applicant is named as the assailant. The Applicant is the nephew of the deceased, and the quarrels used to take place between them. It appears that the Applicant had threatened the deceased to commit his murder. There are statements from the witnesses showing the Applicant's presence at the spot and his involvement in the crime. The statement of Vaibhav Chavhan shows that he saw the deceased lying in the room, and the Applicant was standing there. At that time, the Applicant had a wooden log in his hand. It appears that the blood-stained clothes of the Applicant and the blood stained pieces of wooden log of human origin were also seized. No doubt, there are no eyewitnesses to the alleged assault but prima facie, the Applicant's involvement in the crime can be seen from the statement of the witnesses. The post-mortem report shows that there were multiple injuries on the person of the deceased. Multiple haematomas are also noticed in the left temporal lobe, left frontal lobe, right temporal lobe and occipital area. Also, a palpable fracture at an angle of the mandible of the left mandible bone was noticed. There is,

thus, *prima-facie* material to show the involvement of the Applicant in the commission of the crime.

5. Given the above, this Court is of the opinion that, looking at the seriousness of the offence and the manner in which the deceased was assaulted, the Applicant cannot be granted bail. Needless to say that the observations made in this order are limited to the question of grant of bail to the Applicant. Hence the following order :

ORDER

The Application stands rejected.

[R. N. LADDHA, J.]