

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

BAIL APPLICATION NO. 1666 OF 2020

Gopal Natraj Nadar

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Sudeep Pasbol, Ayush Pasbola, Siddharth Mehta i/b. Prajyot Srivastav for the Applicant.

Mr. M.G.Patil, APP for the State.

PSI Devhare from Ghatkoper P.Stn. present.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 18th APRIL, 2022.**

P.C.

1. This application under Section 439 of Cr.P.C. is filed by the aforesaid applicant, who is facing trial in Sessions Case No.1402 of 2019, pending on the file of the Sessions Court, Gr. Bombay, for offences under Section 302, 120B of Indian Penal Code, Section 3, 4 and 25 of Arms Act and Section 37(1), 135, 142 of the Bombay Police Act,

2. Heard Mr. Pasbola, learned Counsel for the Applicant and Mr. Patil, learned APP for the State.

3. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

4. The aforesaid crime was registered pursuant to the FIR lodged by Manojkumar Dubey, the brother of deceased Sanjay Dubey @ Babloo. The First Information Report prima facie reveals that on 20.05.2019 at about 11.30 a.m. his mother had informed him that the deceased had gone near Radha Krishna Mandir, at Ghatkoper and that she was informed that someone had assaulted Sanjay Dubey @ Babloo. When he went to the place of the incident, he was informed that the deceased was taken to Rajawadi Hospital by one Raj and his friend. The first informant has stated that he went to the hospital and learnt that his brother had expired. The Complainant has stated that some days prior to the incident, his deceased brother had told him that there was enmity between him and the Applicant, and the other co-accused, and that he was afraid that they would kill him. He, therefore, lodged a FIR against the Applicant and other co-accused for committing murder of his brother.

5. The statement of Raj Singh reveals that on 20.05.2019 at about 11.30 a.m. while he was in the room of Faraz and Bharatbhai, one person by name Jasir, who was working in the Service Centre of Ganesh Patil, came running and told that deceased Babloo is being assaulted. When he went to the place of the incident, he saw that Babloo was lying on the road and that the present Applicant and others were inflicting injuries on him by sharp weapons. He states that he was scared, and hence he did

not intervene. The said three persons thereafter ran away from the spot of the incident by a rickshaw. He claims that he and Faraz took Babloo to the hospital, but he was declared dead. Statement of this witness prima facie shows that the Applicant herein was involved in inflicting injuries on the deceased. The statement of the Complainant indicates that when he had reached the spot of offence, he was informed that Raj Singh had taken the deceased to the hospital. The FIR therefore prima facie proves the presence of the witness at the place of the incident. Hence there is no reason to disbelieve or discard the statement of this witness.

6. The statement of Jasir Shaikh also prima facie indicates that they had seen some persons assaulting the deceased. He had subsequently identified the Applicant in the Identification Parade.

7. The postmortem report reveals that there were as many as 29 injuries all over the body, most of which were incise injuries. The postmortem report therefore indicates that the deceased was attacked in a very brutal manner. The nature of offence does not justify grant of bail.

8. Learned APP submits that the Applicant has six antecedents. He is involved in offences under Section 302, 307 and 376 of IPC. Considering the nature of accusations, the material in support thereof, as

well as the criminal antecedents of the Applicants, in my considered view, this is not a case for grant of bail. Hence the Application is dismissed.

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(ANUJA PRABHUDESSAI, J.)