

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3103 OF 2021

Prashant Bhagvan Vanshiv] ... Applicant

Vs.

The State of Maharashtra] ... Respondent

...

Mr. Satyavrat Joshi i/b Mr. Sunil S. Kamble for the applicant.

Ms. Veera Shinde, A.P.P. for the respondent-State.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 05TH APRIL, 2022.

P.C. :-

1. This is the second bail application filed by the applicant, the first being permitted to be withdrawn, when the court expressed its disinclination to entertain the application, on perusal of the material compiled in the charge-sheet.

2. On the application being rejected on 09/07/2021, when Mr. Joshi is asked as to what are the changes in the circumstances, he has invited my attention to the statements of witnesses recorded on

21/10/2020, where they have retracted their statements recorded under section 164(5) of the Cr.P.C.

3. In my considered opinion, this aspect will have to be gone into at the time of trial and cannot be appreciated at this stage, in the backdrop of the material compiled in the charge-sheet.

4. The learned A.P.P. has invited my attention to the antecedents of the applicant, which included five offences, the details of which are, (1) C.R. No.215 of 2018 registered with Dattawadi Police Station for offences punishable under Section 143, 341, 365, 323, 504, 506 read with 34 of the IPC, (2) C.R. No.3002 of 2016 registered with Sinhagad Police Station for offences punishable under Section 37(1), 135 of the Maharashtra Police Act, (3) C.R. No.310 of 2014 registered with Bharati Vidyapeed Police Station for offences punishable under Section 302, 120-B of the IPC, (4) C.R. No.723 of 2009 registered with Haveli Police Station for offences punishable under Section 143, 147, 149, 336, 341, 427 of the IPC and (5) 3054 of 2016 registered with Sinhagad Police Station for offences punishable under Section 37(1) and 135 of the Maharashtra Police Act.

5. In the wake of the aforesaid antecedents coupled with the gravity of the offences, where an attempt was made to murder one Umesh Nagare, who sustained serious injuries and, some of which are attributed to the present applicant and when he is specifically

identified the present applicant, I do not wish to reconsider the application on merits. The application is rejected.

[SMT. BHARATI DANGRE, J.]