

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2286 OF 2022**

Rohan Suresh Jadhav	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Ms.Sana Raees Khan a/w Radhika Mundada for the Applicant.
Mrs.A.A. Takalkar, APP APP for the State.
WPSI P.B. Sadalkar, Vitthalwadi Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 14th NOVEMBER, 2022.

P.C.

- 1] Heard the learned counsel for the parties.
- 2] The Applicant is apprehending his arrest in connection with CR No. 251/2020 registered with Vitthalwadi Police Station, Kalyan, which invoke Section 302 of the Indian Penal Code.
- 3] The offence came to be registered on the complaint filed on 27.09.2020 against 12 unknown persons and on completion of investigation charge-sheet has been filed against 18 accused persons, which include 10 arrested accused and two are shown to be absconding and the Applicant is one amongst them.

4] The case of the prosecution which could be discerned from the complaint is to the effect that the deceased was alleged of stealing a vehicle and therefore he was brutally assaulted by several persons and done to death. The Postmortem report record provisional cause of death as “death due to subarachnoid hemorrhage” and the cause of death is yet reserved. Column No.17 refers to several injuries and column No.19 refers to subarachnoid hemorrhage all over brain.

5] The learned APP would submit that one Kiran Jadhav has specifically referred to the Applicant as one of the assailant. She has categorically stated that it is this witness and the Applicant, who brought the Swift car back home.

6] In the wake of aforesaid statement though Ms. Khan would submit that the said witness has filed an Affidavit before the Sessions Court stating that his signatures were obtained on the blank paper, I do not think that the said argument will be any assistance to the present applicant.

7] In any case, statement of witness, recorded under Section 161 of the Cr.P.C., need not be signed and merely on the ground that some signatures were taken on blank paper, the statement do not loose its veracity at this stage. The said witness will have to be confronted with the said statement for the purpose of omissions and improvements at the stage of trial. Since one of the witness has specifically named the Applicant, his custodial interrogation is necessary.

Hence, the Application is rejected.

[BHARATI DANGRE, J]