

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3678 OF 2021**

Pintya @ Sachin Laxman Dupate ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Ujwal R.Agandsurve for applicant.

Mr.PH.Gaikwad APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 25th NOVEMBER, 2022.

P. C. :-

1. This is an application under Section 439 of CrP.C. filed by the applicant who has been arrested in C.R.NO.155/2021 registered with Karad Taluka Police Station, Satara for offences punishable under Sections 302, 201 r/w. 34 of Indian Penal Code.

2. Heard Mr. Ujwal R.Agandsurve, learned counsel for the Applicant and Mr. P.H.Gaikwad, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The case of the prosecution is that the deceased was having illicit relations with the wife of applicant. On 18/3/2021 the applicant

assaulted the deceased by means of wooden Danda causing serious head injuries. Pursuant to the First Information Report lodged by Nagesh Dupate, brother of the deceased, the aforesaid crime came to be registered against applicant. Initially the offence was registered under Section 307, of Indian Penal Code. The said Ajay expired while undergoing treatment and Section 302 came to be added. The father of the applicant was also arrayed as co-accused.

4. The statement of Pranali Dupate, Vilasrao and other eyewitnesses, prima facie indicate that the applicant had given blows of wooden Danda on the head of Ajay resulting in his death. The postmortem report prima facie reveals that the injuries were inflicted on the vital part of the body. The doctor has opined that the death was due to Crniocerebral injury.

5. There is direct evidence to show the involvement of the applicant in the crime, which is of serious nature. Considering the gravity of the offence, I am not inclined to grant bail. Hence, the bail application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)