



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

Criminal Bail Application No.60 of 2023

Santosh Pandit Dange

Age 26 years, Occupation:

Agriculture, R/at: Kaleshivar,

Dafalpur, Taluqa Jat,

District Sangli.

(Jat Police Station Sangli)

... Applicant

v/s.

The State of Maharashtra

... Respondents

Mr Tapan Thatte for the applicant.

Mr H.J. Dedhia, APP for the State.

Mr Sachin Hande for the Complainant.

CORAM : R.N.LADDHA, J.

DATE : 21 September 2023

P.C.:

Heard Mr Tapan Thatte, the learned counsel appearing on behalf of the Applicant and Mr H.J.Dedhia, the learned APP for the State.

2. The Applicant in the present case is seeking bail in connection with CR No.414 of 2019, registered at Jath Police Station, Sangli,

against the Applicant, for the offence punishable under Sections 302 r/w 34 of the Indian Penal Code(IPC).

3. The allegations against the Applicant and other co-accused are that, on 26 July 2019, the Applicant, Santosh Dange, assaulted the deceased with an iron pipe while the co-accused Dnyaneshwar assaulted the deceased with an axe and committed his murder.

4. Mr Tapan Thatte, the learned counsel for the Applicant, submits that Applicant is falsely implicated in this case. The Applicant has been in jail since 26 July 2019. The investigation is complete, and the charge sheet has been filed. The Applicant is a young boy with no criminal antecedents.

5. Mr H.J.Dedhia, learned Additional Public Prosecutor for the State, submitted that the offence is serious and the Applicant was actively involved in the offence that led to the registration of the crime against the accused persons, including the Applicant. The Applicant was charged under Section 302 IPC and that there is direct evidence against him.

6. Insofar as the present Applicant is concerned, *prima facie*, there is material on record to indicate his presence and specific role in the crime. It appears that the FIR makes specific allegation, against the Applicant that he had assaulted the deceased with an iron pipe and that

there are eye witnesses to the incident. An iron pipe stained with the blood, allegedly used in the incident was recovered from the spot of incident. The police have seized blood stained clothes of the accused. It reveals from the record that before the incident there was a quarrel between accused and the deceased.

7. Given the above, this Court thinks that looking at the seriousness of the offence and the manner in which the murder was committed, the Applicant cannot be granted bail. The material on record, *prima facie*, indicates the active involvement of the Applicant and, therefore, the Application is rejected.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, expeditiously as far as possible within a period of one year, in accordance with law, uninfluenced by the observations made in this order.

9. The order be communicated to the trial Court.

R.N. LADDHA, J.

Lata Panjwani, P.S.