

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

CRIMINAL BAIL APPLICATION NO.2011 OF 2023

Kiran Mahadev Waghmode
Age:20 years, Occ: Farmer,
R/at-Phule Mala, fondshiras,
Taluka-Malshiras, District-Solapur
(presently detained in Solapur
District Jail)

... Applicant/Org. Accused
No.1.

Vs.

The State of Maharashtra
Through Natepute Police Station
Vide C.R.No.365 of 2021

... Respondent.

...

Mr Rupesh A. Zade, Advocate for Applicant.

Ms MR Tidke, APP for State.

Mr Shahaji Waghmode, Advocate for Complainant.

Police Head Constable-Buckle No.1661 Suresh Raosaheb
Raut, Natepute Police station, Solapur, is present.

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Coram: R.N.Laddha, J.

Date : 1 September 2023.

....

P.C.:

Heard Mr Rupesh A. Zade, the learned Counsel
appearing for the Applicant and Miss Tidke, the learned APP

for the State.

2. The Applicant in the present case is seeking bail in connection with CR No.0365 of 2021, registered at Natepute Police Station, Solapur, against the Applicant, for the offence punishable under Sections 302, 307, 323, 504, 506 r/w 34 of IPC.

3. Allegations against the Applicant and other co-accused are that, on 19.10.2021, the Applicant gave a blow of iron pipe on the head of the deceased and committed his murder.

4. Mr Rupesh Zade, the learned Counsel for the Applicant, submits that the Applicant is falsely implicated in this case. The Applicant has been in jail since 19.10.2021. The investigation is complete, and the charge sheet has been filed. The Applicant is a young boy with no criminal antecedents.

5. Ms M.R.Tidke, 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. She states that the Applicant had

applied for regular bail from the trial Court on two separate occasions. The first Application was rejected on 12.07.2022. The trial Court also declined to grant relief to the Applicant on the second occasion, on 01.07.2023, citing the fact that the Applicant was charged under Section 302 of the Indian Penal Code 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 the presence of the Applicant and his specific role in the crime. It appears that the FIR makes specific allegations against the Applicant that he had given an iron pipe blow on the head of the deceased and that there is an eye witness to the incident. An iron pipe allegedly used in the incident was recovered at the behest of the Applicant.

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, in accordance with the law, uninfluenced by the observations made in this order. However, considering the age of the Applicant and the fact that he was a student of Second Year B.Pharm, this Court directs the learned trial Court to conclude the trial in accordance with the law as far as possible within six months from the receipt of this order.

[R.N.Laddha, J.]