

SATISH
RAMCHANDRA
SANGAR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

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BAIL APPLICATION NO. 713 OF 2020

Prasad Prakash Kulkarni

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Shailesh D. Chavan a/w Shrikant Panhale - Advocate for the
Applicant

Mr. N. B. Patil - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 24th JANUARY, 2023

P. C. :-

1. This Court has already heard learned Advocate Shri Chavan for the Applicant and learned APP for the State yesterday.
2. It was expressed that no case for bail is made out and hence today matter is kept for withdrawal, if instructions are received. In spite of his best efforts, the learned Advocate for the Applicant could not contact relatives of the Applicant. In view of that application is decided on merits.
3. The Applicant is accused of committing murder of Sandip Ramesh Bhanage, who is son of the first informant Ramesh Bhanage.

The Applicant has been specifically named in the F.I.R. and there is role alleged against him. He has assaulted the deceased with the help of iron pipe and it was witnessed by the first informant.

4. Earlier to this incident there was incident of beating the deceased Sandip by the present Applicant and others and case is going on before the Satara Court. The present Applicant threatened them to withdraw the case or otherwise to face dire consequences.

5. Learned Advocate for the Applicant tried to emphasize on the conduct of the first informant father. He is being a father of the deceased has not attended to save his son after witnessing the assault but he has chosen to go to his house. The Police have also collected Roznama of the Sessions Case No. 42 of 2014. Learned Advocate for the Applicant also submitted that Applicant is behind bar since 06/05/2018.

6. Learned Advocate for the Applicant invited my attention to the Roznama of the dates matching with the incident of the threatening the deceased. According to him, the Roznama does not marked the presence of the witnesses but in fact Rozanama suggests the warrant has been issued. Today copy of the judgment in Sessions Case No. 42 of 2014 is shown to me. The case is decided on

17/03/2021 and present Applicant is accused no. 2 amongst total seven accused persons. He has been acquitted.

7. This acquittal has taken place subsequent to the murder assault on 06/05/2018. This is not a stage to comment upon conduct of the first informant. There is a recovery from the Applicant and the first informant is an eye witnesses. The background of the incident also dis-entitles the Applicant to get a bail. The possibility of tampering with witnesses cannot be ruled out if the Applicant is admitted to the bail. It is for the reason that the deceased is killed on the background of the earlier sessions case in which the deceased was one of the witness.

8. So no case for bail is made out. The Application is rejected. These are prima facie observations and trial court need not be influenced by the same.

[S. M. MODAK, J.]