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

BAIL APPLICATION NO.1436 OF 2023

PRATHAM SHYAM KADAM

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Pooja Agarwal for the applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 6, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 302, 120-B, 201, 143, 147, 149 of the Indian Penal Code (hereafter 'IPC' for short), under Sections 4(25) of Arms Act and under Sections 37(1)(3), 135 of Maharashtra Police Act registered on 26.12.2021 vide C.R. No.207 of 2021 with Alankar Police Station, Pune.

3. There are in all twelve accused. The applicant is the accused No.1. The applicant was arrested on 29.12.2021. The complaint has been lodged at the instance of one Mrs.

Varsha Chaughule. It is alleged that on the date of the incident i.e. 26.12.2021, there was a function at complainant's parents home, where the whole family was present along with the deceased. After all the preparations of the function was made, complainant's sister i.e. Mrs. Mira Mane told the deceased to drop her at her work place. The deceased went to drop his sister at around 4.45 p.m. in the evening. At around 5.45 p.m. the complainant got a call from her cousin sister that someone had assaulted the deceased and he was lying injured at K-52 corner.

4. Learned counsel for the applicant submitted that the applicant is in custody for more than two years. It is further submitted that the recovery is doubtful. The contention is that the eye witness did not specifically name the applicant. It is then submitted that the juvenile accused and four other accused have been enlarged on bail.

5. So far as the applicant is concerned, he is seen in the CCTV footage. Further there is recovery of blood stained koyta and blood stained clothes at the instance of the applicant. Prima facie, considering the incriminating materials on record against the applicant, the manner in

which the incident has taken place and the injuries sustained by the deceased, the brutality of the assault, I am not inclined to enlarge the applicant on bail.

6. The application is rejected.

(M. S. KARNIK, J.)