

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

BAIL APPLICATION NO.3411 OF 2021

Rohan Satish Kurane

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Ganesh Gole with Mr. Ateet Shirodkar for the Applicant.

Mr. R.M. Pethe, APP for Respondent-State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 14th MARCH, 2023.

P. C. :-

1. This is an application under Section 439 of the Cr.PC. filed by the aforesaid Applicant, who has been arrested in C.R.No.41 of 2021 registered with Shivaji Nagar Police Station, Kolhapur for the offences punishable under Sections 143, 147, 148, 149, 302, 323, 504 and 506 of the IPC.

2. Heard Mr. Gole, learned counsel for the Applicant and Mr. Pethe, learned APP for Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Kunal Kamble. A perusal of the FIR reveals that on 23/01/2021 at about 2.30 p.m. there was an altercation and quarrel between Suraj Kamble and one Sharukh. It is stated that thereafter on the same day at about 8.30 p.m. the Applicant along with the co-accused came to the Mujavarki Ground and assaulted Sandeep by means of sword, knife, etc. Said Sandeep expired as a result of the injuries sustained in the said incident.

4. The FIR and the other material on record prima facie reveal that the Applicant was armed with knife and that he had inflicted blow of knife on the head of the deceased-Sandeep. The post mortem report reveals that the deceased suffered as many as 16 injuries including head injuries. Doctor has opined that the death of the deceased Sandeep was caused due to head injury. The material on record prima facie reveals that the Applicant is involved in commission of offence, which is of serious nature. The evidence was not yet commenced. Considering the previous enmity between the parties, possibility of the Applicant interfering with the Complainant and the other witnesses cannot be ruled out. Hence, in my considered view this would not be a fit case for grant of bail.

5. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

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