

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2345 of 2023

Vinod @ Vinayak Balasaheb Barve
Age : 42 years, Occ:Service,
R/o: Shivani Row House No.2,
Survey No.185/1, Sahyadri Chowk,
Shramki Nagar, Satpur, Nashik.
(At present Nashik Central Prison,
Nashik)

CHITRA
SANJAY
SONAWANE

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.... Applicant.

Vs.

The State of Maharashtra
(At the instance of the P.I.
Satpur Police Station, Nashik)

.... Respondent.

Mr Aniket U. Nikam, Advocate i/b Mr Amit Icham for applicant.
Ms MR Tidke, APP for State.
API, RR Pathan, Satpur police station present.

Coram: R.N.Laddha, J.
Date : 11 October, 2023.

P.C. :

Heard Mr Aniket U. Nikam, the learned Counsel appearing for the applicant, and Ms MR Tidke, the learned Additional Public Prosecutor appearing for the respondent/State.

2. The applicant in the present case, is seeking bail in connection with CR No.185 of 2021, registered at Satpur police station, against the applicant for the offences punishable under Sections 302 and 201 of the Indian Penal Code (IPC).

3. It is the case of prosecution that on 26.11.2021 the applicant/accused assaulted the deceased and committed his murder.

4. Mr Nikam, the learned Counsel for the applicant submits that the investigation in this crime is completed and charge sheet is filed. There is no eye witness to the incident, however, with the help of got up witnesses, the applicant has been falsely implicated in the present crime. According to the supplementary statement of the first informant, Mahesh Tupe and Aaba Gangurde had abused and threatened the deceased a few days before the incident. The applicant has been in jail since 26.11.2021.

5. Ms Tidke, the learned APP appearing for the State, informs the Court that the trial has commenced and two witnesses have already been examined. The offence is serious, and there is direct evidence against the applicant/accused. The

charge-sheet adequately discloses that the deceased and the applicant had a hostile relationship, and there was a heated discussion between them before the incident.

6. This Court has perused a copy of the charge-sheet and accompanying documents. It appears that there are eye-witnesses to the incident who have made specific allegations against the applicant that he gave a sickle blow to the neck of the deceased. The weapon allegedly used in the crime was recovered at the behest of the applicant. It appears that the applicant has criminal antecedents. The trial has commenced and two witnesses have already been examined.

7. There is, thus, *prima facie* material to show involvement of the applicant in commission of the crime. Given the seriousness of the offence, and the manner in which the deceased was murdered, the applicant cannot be granted bail.

8. In view of the above, the application stands rejected and is dismissed accordingly.

9. 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.

[R.N. Laddha, J.]