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

BAIL APPLICATION NO.351 OF 2024

BHIMRAO MULLAPPA VANI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Satyavrat Joshi i/b. Adv. Kanishka Hasabnis for the
applicant.

Mr. S. A. Karmakar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : MARCH 14, 2024.

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 read with 34 of
the Indian Penal Code (hereafter 'IPC' for short) and under
Sections 4, 25, 27 of Indian Arms Act registered on
30.01.2021 vide C.R. No.57 of 2021 with Sangli City Police
Station.
- 3.** On the night of 29.01.2021 the deceased was called to

the terrace of one building. The deceased was accompanied by his acquaintance, the eye witness-Ruturaj. The statement of eye witness-Ruturaj recorded under Section 161 of the Code of Criminal Procedure (hereafter "Cr.P.C.", for short) is at page 175 of the paper-book. The statement of the other eye witness-Suraj is at page 183 of the paper-book. The statement of the eye witness-Ruturaj under Section 161 of the Cr.P.C. was recorded on 30.01.2021. The statement of the eye witness-Ruturaj under Section 164 of the Cr.P.C. was recorded on 11.02.2021. The statement of the eye witness-Suraj under Section 161 of the Cr.P.C. was recorded on 31.01.2021. The statement of the eye witness-Suraj under Section 164 of the Cr.P.C. was recorded on 11.02.2021. In the Section 161 statement the role of the assault on the deceased by a sharp edged weapon is attributed to the applicant and the co-accused. In the Section 164 statement of the eye witness-Ruturaj has stated that co-accused – Shafiq Khalifa was assaulting the deceased with a koyta. He further mentions that he had informed those present that the deceased was assaulted by

some persons. Learned counsel for the applicant submitted that in the Section 164 statement of the eye witnesses no specific role has been attributed to the applicant.

4. The materials on record reveal that the applicant owed money to the deceased. Furthermore, the deceased was called to the terrace by the applicant and the co-accused. The co-accused – Balasaheb @ Nana Dadasaheb Pukale has been enlarged on bail as no specific role is assigned to him. It is further submitted that the applicant is in custody for more than three years since his arrest on 02.02.2021. It is submitted that though the charge has been framed the witnesses are yet to be examined and hence the trial is likely to take a long time to conclude. The prosecution proposes to examine around hundred witnesses.

5. Learned APP submitted that there is one criminal antecedent reported against the applicant under the Gambling Act where even the deceased was involved. It is made clear that this is not a factor why the bail is denied.

6. There is a recovery of blood stained kukri at the instance of the applicant. The materials on record prima

facie disclose that there were some monetary transactions between the applicant and the deceased. The applicant owed money to the deceased. It is the applicant who had called the deceased to the terrace. In the Section 161 statement the witness has specifically assigned role to the applicant though in the Section 164 statement he says that some persons were assaulting the deceased. Looking at the gravity of the offence in as much as the deceased suffered fourteen incised and stab wound injuries, some over the vital parts of the body, I am not inclined to enlarge the applicant on bail. The trial Court may consider expediting the trial if a request is made depending on its calendar.

7. The application is rejected.

(M. S. KARNIK, J.)