

Amar Satish Mane	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr. Rajesh Sonar, for the Applicant.
Mrs Sangita M. Yadav, APP, for the Respondent/State.
Mr. Yuvraj S. Jadhav, PSI, Rajarampuri Police Station, Present.

DATE : 26TH JUNE, 2024.

PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.572 of 2022 registered with Rajarampuri Police Station for the offences punishable under Sections 302, 323, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code, 1860 (for short, 'IPC') and Sections 4 and 25 of Arms Act.
3. The learned counsel for the applicant submits that though oral evidence does not match with the circumstantial evidence and the independent witnesses have not named the applicant but stated the

incident, therefore, test identification parade ought to have conducted but not conducted.

4. It is submitted that in a representation given by one Shrimant Vasant Gavali, the complainant to the Collector, he stated that the dami accused persons were implicated in the FIR. Whereas, some of the accused who participated in the offence, were not added as accused in the FIR. He, therefore, submits that it creates doubt about the veracity of the prosecution story. He further tries to emphasis that there are discrepancies in the statements of witnesses. He further points out lacunae in the investigation and submits that the applicant has been falsely implicated in the alleged offence. Accordingly, he prays for grant of bail to the applicant.

5. The learned APP, on the other hand, opposed the application and points out incriminating material against the applicant. The complainant is the eyewitness who named the applicant as main accused and also attributed a specific role to him. Furthermore, 17 injuries were found on the body of the deceased.

6. Thus, considering the above referred evidence pointed out by the learned APP and seriousness of the offence, certain discrepancies in the statements of the witnesses cannot be a ground for grant of bail at this stage. Accordingly, the application is rejected.

(ANIL S. KILOR, J)