

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1610 OF 2023****IN****CRIMINAL APPEAL NO. 314 OF 2019**

Raju Bhimrao Hake

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Aadesh Konde Deshmukh for Applicant.

Mr. S.V. Gavand, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 22nd January 2024.****P.C. :**

1) This is an application for suspension of sentence and releasing the Applicant on bail.

2) Heard Mr.Deshmukh, learned Advocate for Applicant and Mr.Gavand, learned A.P.P. for Respondent-State. Perused the application.

3) There are two injured eye witnesses, namely, Rajesh Swamti (PW-1) and Lakhan Gaikwad (PW-11).

3.1) The first incident in-question took place on 14th February 2015 at about 4.30 pm.. The said injured witnesses along with Rama Gote (deceased) had been to Hotel Sanket for consuming liquor. It is alleged that, the Applicant along with co-accused Deepak Shinde came at the said place.

There were altercations between the said two groups, whereupon it is alleged that, the deceased Rama Gote took a beer bottle and gave a blow with the same on the neck of co-accused Deepak Shinde. Then, Deepak Shinde and Applicant left the said place. Thereafter, the deceased along with the said two witnesses proceeded towards Balaji Nagar. The Applicant and other accused persons were standing near the garage. At that time, the Applicant and Lakhan Gaikwad (PW-11) went inside the garage talking with each other. It is alleged that, the Applicant thereafter gave a blow on the head of PW-11 with a silencer of a vehicle. Therefore, PW-1 went there. At this juncture accused Mahesh Kamble dealt blow of knife to PW-1 at his ribs. Accused Omkar Bandal and Vicky Vohal gave blows of knives to Rama Gote. The Applicant and co-accused Deepak Shinde and Mahesh Kamble hit Rama Gote on head with cement blocks. Then the Applicant stabbed PW-11 with a knife on his ribs. Accused Deepak Shinde gave knife blow on right hip of PW-11. As a result, both PW-1 and PW-11 sustained grievous injuries. Rama Gote died due to the injuries sustained in the incident.

3.2) Record further indicates that, during the pendency of trial persons namely Vishal Hakey, Narayan Shinde, Rinkya and his associates visited at the house of PW-11 to pressurize him to withdraw this case. However, as the PW-11 was not present at his house, they fought with his mother and assaulted her with a sickle on her head. A separate crime has been registered in that behalf and it is culminated into Sessions Case No. 606

of 2016.

4) In view of the above, there is more than sufficient material on record to indict the Applicant in the present crime. As noted earlier, further crime of assault on mother of PW-11 is committed to pressurize the witness/s to withdraw this case, meaning thereby not to depose against the Applicant and other accused persons.

5) In view of the above, Applicant does not deserve to be released on bail during the pendency of present Appeal.

6) Interim Application is accordingly rejected.

7) As the Applicant is in behind bars for more than eight years, hearing of Appeal is expedited.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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