

AGK

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

BAIL APPLICATION NO.1466 OF 2024

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Siddhant Sandip Chakranarayan

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Aniket Vagal with Mr. Divesh Mehani, Mr. Kunal Pednekar and Mr. Samy Kolhekar for the applicant.

Mr. V.S. Sagare, APP for the respondent – State.

CORAM : AMIT BORKAR, J.

DATED : MAY 3, 2024

PC.:

1. This is an application under Section 439 of the Code of Criminal Procedure, 1973 in connection with C.R. No.371 of 2021 dated 24 November 2021 registered with Panchavati Police Station District Nashik for offences punishable under Sections 302, 341, 212, 120(b) read with 34 of the Indian Penal Code, 1860 and Section 142 of the Maharashtra Police Act, 1951.

2. According to the prosecution, the applicant and his brother were carrying on a business of selling vegetables. The applicant's brother had financial dispute with the deceased and there used to quarrel between them.

3. According to prosecution on 23 November 2021 around 1.00

p.m., the applicant along with three other accused were discussing about killing the deceased. On 23 November 2021 there was quarrel between other accused and the deceased. The other two accused assaulted the deceased on head by using stone lying at the place of incident. According to the prosecution, accused No.2 twice assaulted the deceased on his face by stone.

4. The applicant was arrested on 27 November 2021. Learned Sessions Judge rejected applicant's bail application by order dated 1 November 2023. The applicant has, therefore, filed present bail application.

5. Learned advocate for the applicant submitted that the incident indicates that the applicant was not carrying weapon before the incident and according to prosecution he took stone from the spot of incident and, therefore, there was no intention on the part of the applicant which may attract Section 302, IPC. According to him, considering totality of circumstances in the light of nature of assault, role attributed to the applicant, the nature of injury and long period of incarceration, the applicant be released on bail.

6. Per contra, learned APP submitted that the incident was witnessed by two eye-witnesses. There is recovery of blood stained clothes. The role attributed to the applicant is of twice smashing victim's face with big stone. The injuries in the postmortem report indicates that there is crushed injury present over forehead and face, head and face flattened from front side, underlying frontal bone fracture including five lacerated wounds. He, therefore,

submitted that the Sessions Judge has rightly rejected the bail application and long incarceration cannot be a ground available to the application considering nature of allegations, role attributed and manner of attack.

7. On perusal of record, it appears that the role attributed to the applicant is of twice assaulting the victim on face by a stone resulting in the injuries as under:

“1) Crushed injury present over forehead and face, head and face flattened from front side, underlying frontal bone fracture, including five lacerated wounds.”

8. Prima facie there are two eye-witnesses who have allegedly seen the incident. Veracity of their statement need to be decided during trial. However, considering the reason of death along with injuries caused to the victim, recovery of blood stained clothes from the applicant, in my opinion, the prosecution has made out a prima facie case. Moreover, the offense alleged is under Section 302 which carries punishment of imprisonment for life or death.

9. There is no merit in the bail application. The bail application is accordingly rejected.

(AMIT BORKAR, J.)