

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2467 OF 2023

Sunny Bhaskar Dethe .. Applicant
Versus
State of Maharashtra .. Respondent
...

Mr. Raja Thakare, Sr. Advocate, a/w Mahesh Mule, Siddharth Jagushte i/b
Vijay K Shelar for the applicant.
Mr. S.V. Gavand, APP for the State.
Mr. Dnyaneshwar Ladse, P.S.I., Mulund Police Station.

CORAM: BHARATI DANGRE, J.
DATED : 22nd MARCH, 2024

P.C:-

1 The application is placed before me, in the backdrop of the fact that, one of the accused Yunus Khan is released on bail by me by an order dated 22/08/2022.

 The accused no.1 Sunny Bhaskar Dethe, is before me in the wake of the latest directions issued, for placing the bail applications filed by the co-accused arising out of the same C.R. before the same Judge, who has passed the last order.

2 I have heard learned senior counsel Mr. Thakare for the applicant and Mr. Gavand for the State.

 I have perused the charge-sheet filed on completion of the investigation in C.R. No. 707 of 2021, where four persons faced accusations under Section 302 r/w 34 of IPC. It is informed that accused nos.3 and 4 are already released on bail by the Sessions Judge.

3 Drawing parity with Yunus Khan, the leaned senior counsel has invited my attention to the statement of one witness Banaswal recorded on 02/07/2021 and it is his submission that this witness has stated that

Sunny had no intention to mount an assault, as he told the witness that, he had come to have a dialogue but one of his associate instigated him by saying that, they should eliminate him anyway.

The reading of the rest of the statement of the said witness would speak of the act on part of the applicant, who stabbed Rakesh in his chest, left portion of the stomach and caused bleeding injuries.

4 Mr Gavand has invited my attention to the statements of other eye witness, which include the statement of one Kasar, Gaund and one Kudale, who had clearly attributed the assault to the present applicant.

The postmortem report in column no. 17 has referred to four injuries, two of which are stab injuries and the cause of death is opined to be hemorrhage and shock due to stab injury to chest.

The weapon, which is a knife cum lighter is seized from the applicant during the course of investigation.

Since, the applicant is the only assailant though other accused persons assisted him by holding the deceased to the ground, for this specific reason Yunus Khan, deserved his liberty, but the applicant cannot claim parity with him.

Merely because he is incarcerated for more than two years is not a ground to secure his release.

Hence, the application is rejected, with clarification that the above observations are only to be understood to be made in the context of the decision of the application.

(SMT. BHARATI DANGRE, J.)