

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3833 OF 2023**

Tejaskumar @ Yalappa Gundappa	
Salunkhe @ Bhat	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Aniket Nikam a/w. Mr. Ashish Satpute i/b Mr. Amit Icham for the Applicant.
Ms Rutuja Ambekar, APP for the Respondent.

CORAM : N. R. BORKAR, J.
DATE : 3 FEBRUARY 2024.

PC:-

1. This is an application under Section 439 of Code of Criminal Procedure for grant of bail.
2. The applicant came to be arrested in C.R. No.49 of 2022 registered at Umadi Police Station, Sangli for the offences punishable under Sections 302, 307, 341, 143, 147, 148, 149 and 506 of the Indian Penal Code, Section 4 read with 25 of Arms Act and Section 135 of Maharashtra Police Act.
3. According to the prosecution on the date of incident which took place on 8 March 2022, the present applicant and other co-accused assaulted the complainant Prakash and his friends Madhgonda Bagali and Santosh Mali by sword, knife and stick etc. on account of previous enmity. It is alleged that on the very same day Madhgonda Bagali and Santosh Mali

succumbed to the injuries sustained by them in the alleged incident.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent- State.

5. Learned counsel for the applicant submits that according to the complainant and eye-witnesses, the applicant and some of the co-accused at the time of incident were armed with sticks and they assaulted both the deceased by sticks. It is submitted that medical evidence is however not consistent with the version of the complainant and eye-witnesses as during the postmortem examination only stab injuries were found on the person of both the deceased. It is submitted that the possibility of false implication of the applicant, therefore, cannot be ruled out. It is further submitted that the applicant is in jail for about two years and that the trial is still at the stage of framing of charge. It is submitted that there are no other criminal antecedents. It is accordingly, submitted that the applicant may be released on bail.

6. On the other hand, the learned APP for respondent/ State submits that the applicant is involved in serious offence of double murder. It is submitted that at this stage no primacy can be given to the medical evidence over the version of the complainant and eye-witnesses. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the statements of the complainant and other eye-witnesses. At this stage *prima face*, there appears to be no reason for them to implicate the applicant in such a serious crime. Considering the nature of offence, I am not inclined to release the applicant on bail. Hence, the Application is rejected.

(N.R. BORKAR, J.)