

CRIMINAL BAIL APPLICATION NO. 2654 OF 2024

The State of Maharashtra ... Respondent.

PSI S.S.Ghogre, Talegaon Dabhade

DATED : OCTOBER 21, 2024.

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.479 of 2022, registered with Talegaon Dabhade, Police Station, District: Pune for the offences punishable under Sections 302, 143, 144, 147, 148, 149, 506, 120B of the Indian Penal Code, Sections 4/25 of the Indian Arms Act, 1959, Sections 37(3)(1) and 135 of the Maharashtra Police Act, 1951, Section 7 of the Criminal Law Amendment Act and Section 3(1)(i) & (ii), 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

3. The learned counsel for the applicant states that no role or overtact is attributed against the applicant in the alleged offence.

It is submitted that in the statements of eyewitnesses, who were with the deceased, they did not name the applicant and subsequently some other witnesses named the applicant. He, therefore, submits that the applicant has been falsely implicated in the alleged offence.

4. On the other hand, the learned APP pointed out that in the FIR there is mention of two other persons and a friend of deceased Kaustubh Khude, who was with the deceased, has identified the applicant during the Test Identification Parade. Moreover, it is pointed out that there are statements of witnesses who have seen the applicant assaulting the deceased by fist and kick blows. One of the sections under which the offence is registered, is Section 149 of the IPC i.e. 'unlawful assembly with common intention'. There is sufficient evidence to show that the applicant was present on the spot and further evidence is there to show that all the accused persons formed unlawful assembly with common intention to eliminate the deceased.
5. In the circumstances, I am of the opinion that considering the incriminating material against the applicant to *prima-facie* show his complicity in the alleged offence, this is not a fit case to grant bail, accordingly it is **rejected**.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)