

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

CRIMINAL BAIL APPLICATION NO. 2678 OF 2024

Shubham Ganpati @ Ganesh Rathod

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Vikas Shivarkar, for the applicant.

Mr. S. M. Mangaonkar, APP for State-Respondent.

Mr. Shakir Jimedi, PSI, Pimpri Police Station, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 22nd AUGUST, 2024

PC:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 262 of 2021 registered with Pimpri Road Police Station, Pune for the offences punishable under Sections 302, 307, 504 and 506 read with Section 34 of the Indian Penal Code, 1860, Section 4/25 of Arms Act, 1959, Section 3 and 7 of Criminal Law Amendment act, 2013 and Section 37 (1)(3) read with Section 135 of Maharashtra Police Act, 1951.

3) The learned Counsel for the applicant submits that if the statement of the witness namely Rahul @ Zingya Shankar Rathod is considered, it is evident that the deceased was searching the applicant to kill him and the incident took place in the above referred backdrop.

4) It is submitted that there are discrepancies in the statements of the witnesses particularly the informant is the cousin of the deceased and medical documents show that the cousin of the applicant took the deceased to the hospital, whereas in the statement of none of the witnesses, there is a mention about the said fact of taking the deceased to the hospital by cousin. It is submitted that the said fact is sufficient to show that all the eye-witnesses are got up witnesses and therefore, the statements of such eye-witnesses cannot be relied upon. He further points out that the applicant is in jail from last three years and till date even the charge is not framed. In the circumstances, he prays for grant of bail.

5) On the other hand, the learned APP strongly opposed the application and pointed out that the weapon used in the alleged offence i.e. Koyata was recovered from the applicant along with the car used in the alleged offence. It is pointed out that there are six eye-witnesses, who have attributed a specific role to the applicant and further he pointed out that there is one antecedent against the applicant.

6) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer, it is evident that there is ample incriminating evidence available on record against the applicant to prima facie connect the applicant with the alleged offence.

7) There are six eye-witnesses who have attributed a specific role to the applicant. Furthermore, the recovery is there including the weapon. In addition to the same motive was also there.

8) Thus, considering the nature of evidence collected by the Investigating Officer and the role of the applicant in the alleged offence since the offence is serious, I am of the opinion that this is not a fit case for grant of bail.

9) Accordingly, the application is rejected and disposed of.

[ANIL S. KILOR, J.]