

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2924 OF 2024

Dattatray Vishvanath Bhakare, Age 24 years,
R/o.Uchale Vasti, Takali Haji,
Tal.Shirur, District Pune.

Applicant

versus

The State of Maharashtra

Respondent

Ms.Beerta Bajwa, Advocate for Applicant.

Mrs.Savita M.Yadav, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 15th October 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.39 of 2022 registered with Narayangaon Police Station, Pune Rural, for the offences punishable under Sections 302, 120(B), 143,147, 148, 149 of the Indian Penal Code r/w Sections 3(25, 4(25) of Arms Act.

3. Having gone through the charge sheet and the material collected by the Investigating Officer during investigation it is evident that there is sufficient incriminating material available on record to show complicity of the Applicant. The informant has specifically named the Applicant and specifically attributed the role. Therefore the submission of learned counsel for Applicant that no test identification parade was conducted, cannot be accepted. Furthermore, there are eye witnesses and CCTV footage available to

support the case of the prosecution. Applicant is the main accused. A sword was recovered from the Applicant. Furthermore it can be gathered from the material collected by the Investigating Officer that Applicant wielded blow by sickle on the head and other parts of the body of deceased.

4. Thus, considering the seriousness of the offence and material which shows prima facie complicity of the Applicant in the alleged offence, I am not inclined to grant bail only on the ground that other accused persons of whom role is different, have been granted bail. As far as other accused persons are concerned, they were not named and were referred in the FIR as unknown persons. Whereas, it is not the case of Applicant. Applicant was referred in the FIR and specific role was attributed to him. Therefore I am not inclined to grant bail. Application is rejected.

(ANIL S.KILOR, J.)

MST