

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

ANTICIPATORY BAIL APPLICATION NO. 1589 OF 2017

Niwas Gorakh Ubale

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Nitesh Mohite i/b J.D. Mane for the Applicant.

Mr. S.H. Yadav, APP for the Respondent/State.

Mr. Ishwar Omase, Police Inspector, Kurduwadi Police Station.

CORAM : A.S.GADKARI, J.

DATE : 28th SEPTEMBER, 2017

P.C.:

. In pursuance of order dated 18.09.2017, the Superintendent of Police, Solapur (Rural) has filed an affidavit dated 26.09.2017.

2 As noted in the earlier order dated 18.09.2017, it is the defence of the Applicant that he was not present at the date and time of incidence at the scene of offence, but was taking treatment at Primary Health Centre, Sade Taluka Karmala, District-Solapur. The affidavit of the said Superintendent of Police, Solapur clearly mentions that as per the record seized by the police, the Applicant was admitted in the said Primary Health Centre, village Sade from 10.00 p.m. of 10.06.2017 to 8.30 a.m. of 11.06.2017 for the complaint of loose motion and the record of the said hospital is thereafter, silent about his further admission in the said hospital. It is further revealed during the course of investigation that the

nurse of the said hospital namely Shital Salve has erroneously mentioned the date of discharge as 12.06.2017 instead of 11.06.2017. Her statement has been recorded by the police to that effect, wherein she has stated that inadvertently and due to mistake the said date has been mentioned in the register. It appears that the Applicant is trying to take undue advantage of the said mistake in mentioning of date. The other witnesses namely Doctor, who has examined the Applicant and the Nurse has stated that they did not see the Applicant in the hospital after 8.30 a.m. in 11.06.2017. Thus the plea of alibi of the Applicant is not duly supported by documents and the said plea therefore, cannot be accepted.

3 Apart from the said fact, the Applicant is also involved in three other crimes of serious nature relating to body and when he was on bail in the earlier crime, it is alleged that he has committed the present crime. As noted in the earlier Order, the present crime in question is undoubtedly, a serious crime wherein it is alleged that police personnel on duty were attacked by the Applicant with deadly weapons.

4 In view of the above and in view of the serious allegations against the Applicant and the gravity of the offence, this Court is of the view that Applicant cannot be protected by pre-arrest bail.

5 Application is accordingly, rejected.

(A.S.GADKARI, J.)