

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1731 OF 2017

Siddheshwar Machindra Kale ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Rupesh Zade for the Applicant.
Mr. Ajay Patil APP for the Respondent/State.
Mr. G.S. Jadhav for the intervenor.

CORAM : A.S.GADKARI, J.
DATE : 15th NOVEMBER, 2017

P.C.:

. The Applicant is apprehending arrest in C.R. No. 524 of 2017 dated 10.08.2017 registered with Indapur Police Station, District Pune under Sections 302, 307, 324, 452, 506 read with Section 34 of the Indian Penal Code.

2 It is the prosecution case that Mayur and Nilesh Ghalke (deceased) were accused in a case on an allegation that they committed rape on Ms. Monali Maruti Kale. The said case was registered with Indapur Police Station, District Pune. Mayur Ghalke was later released on bail. The accused persons namely Maruti Kale and his daughter Monali Kale were therefore, having serious grudge and enmity against the deceased Mayur. That on 10.08.2017, it is alleged that Maruti Kale initially assaulted Nagnath Ghalke i.e. father of Mayur with a sickle

on his hand and left side of his forehead and at that time, accused Monali Kale assaulted the first informant Sunita Ghalke on her chest with sickle, due to which the first informant fell down. At that time the young son of first informant namely Nilesh was at home and after witnessing the ghastly attack, he started running from the house. That the, Accused Maruti Kale started chasing him and at the cross road of the said village assaulted him with sickle. It is alleged that the right hand of Nilesh was severed from the wrist and thereafter, Maruti Kale slit the throat of Nilesh. In the premise, the first information report is lodged.

3 Learned Counsel for the Applicant submitted that no role is attributed to the Applicant in the first information report as he was not present at the spot and therefore, he may be granted pre-arrest bail.

4 Learned APP submitted that the Applicant is real brother of Maruti Kale and was also having grudge against the family members of Nagnath Hulke and the Applicant was having common intention in committing murder of Nilesh.

5 Perused the record of investigation.

The injured witness namely Nagnath in his statement has categorically stated that when Nilesh tried to escape from the clutches of Maruti Kale and Monali Kale and was running to save his life, the Applicant who was outside the house, hurled a stone at Nilesh, due to which Nilesh fell down and thereafter, Maruti Kale assaulted Nilesh (deceased) with sickle as stated earlier.

6 The record clearly indicates that the Applicant has played vital role in the

crime along with other accused persons and his complicity in the present crime is apparent.

7 After taking into consideration the serious allegations against the Applicant and gravity of the offence, in view of this Court the Applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

8 The observations made hereinabove are in the context of deciding the present application and are prima facie in nature and the Trial Court may not get influence by the same at the time of trial.

(A.S.GADKARI, J.)