

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

BAIL APPLICATION No. 487 OF 2018

Chadrakant Janardan Kolwale

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Aniket U. Nikam for Applicant

Mr. S.R. Agarkar -APP

Mr. Rajkumar Kendre, PI, Sangola Police Station, Solapur (Gramin)

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JUNE 25, 2018

P.C.

1. Heard. This is an application filed under Section 439 of the Criminal Procedure Code.
2. The Applicant herein is arrested on 3rd December, 2016 in Crime No. 747 of 2016 registered at Sangola Police Station for the offence punishable under Section 302 and 504 of the Indian Penal Code. The investigation is completed and the charge-sheet is filed on 12th March, 2017.
3. It is the case of the prosecution that on 3rd December, 2016, Mangal Khadge lodged a report at the police station alleging therein that she happens to

be the elder sister of Latabai, who was residing with her son Vishal . That Chandrakant i.e. the present Applicant, happens to be a maternal cousin of the First Informant. It is the case of the prosecution that on 1st of December, 2016, it was noticed that the daughter of the present Applicant was missing. According to him, she was abducted by the son of Latabai. On that day, he had called upon Latabai and informed her that she should bring her daughter immediately to his house and she had assured him that by 5.00 p.m. she would get his daughter back. She tried her level best to contact her son Vishal. However, he was out of reach. In the evening at about 6.00 p.m. the present Applicant had been to the house of Latabai asking her as to where is his daughter and where Vishal had taken his daughter and to ask him to hand over the daughter. Instantly he took out a knife and initially threatened to kill Latabai and, thereafter, he gave blow of knife at her stomach and thigh. Latabai fell unconscious on the spot and when she was taken into hospital she was declared dead. The First Informant happens to be the eye witness. In the supplementary statement also the first informant has stated that there was no dearth of light in the house of Latabai at the time of incident and, therefore, she could identify the present Applicant.

4. It is a case of direct evidence. The First Informant happens to be an

ocular witness. In view of this, the Applicant does not deserve to be enlarged on bail. The application for bail stands rejected on merits. It is made clear that the Learned Sessions Court shall not be influenced by the aforesaid observations at the time of trial.

[SMT. SADHANA S. JADHAV, J.]