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

ANTICIPATORY BAIL APPLICATION NO. 552 OF 2018

Akash Subhash Gunjal

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. K.M. Chakranarayan for Applicant.

Mr. N.B. Patil, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 13th December 2018.

P.C.:

1] The applicant is apprehending arrest in CR No. 248 of 2017 dated 23.10.2017 registered with Khadki Police Station, District Pune under sections 302, 201, 143, 147, 148, 149, 364A, 120B of Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP for State. Perused the record of investigation.

3] The prosecution case in brief is that, the accused No.1 Kailas Dhotre was having enmity with deceased Jitesh @ Sonya @ Sonya Bagdi. On 21.10.2017 at about 9.00 p.m, prime accused along with other accused persons including applicant abducted Jitesh @ Sonya and took him near White House, (Bhoot Bungalow) situated at Yerwada, Pune and thereafter

assaulted him with iron rod and fist blows. Jitesh was subsequently strangled with the aid of a rope. Initially a crime against unknown person was registered. During the course of investigation the role played by prime accused Kailas Dhotre and other accused was revealed. During the course of investigation the police have arrested Kailas Dhote and some of the accused persons. In their custodial interrogation, the role played by the present applicant is revealed.

4] In the present crime, the applicant is absconding since the date of lodgment of crime. After completion of investigation, the police have submitted chargesheet against the arrested accused persons excluding the applicant. The prime accused in the present is accused No.1 Kailas Dhotre.

5] The learned counsel for the applicant submitted that, the applicant was never absconding and as a matter of fact he was attending the Police Station in another crime and attended few dates before the Trial Court in other crime. That there is no evidence as against the applicant in the present crime and therefore he may be granted pre-arrest bail.

6] The record indicates that, the name and role played by the present applicant has been revealed by the co-accused Kailas Dhotre in his custodial interrogation. The weapon used in the present crime and the

clothes worn by the applicant are to be recovered by the police. Apart from the said fact, the learned APP on instructions submitted that, the applicant is also an accused in another crime bearing No.120 of 2016 registered at Koregaon Park Police Station, Pune and when he was on bail in that crime, has committed the present crime.

7] In view of the above and after taking into consideration serious allegations against the applicant and the gravity of offence, this Court is of the view that the applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

(A.S.GADKARI, J.)