

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

903 CRIMINAL APPEAL NO.690 OF 2020

UMESH BHIMRAO DANE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Appellant : Mr. K.S. Patil h/f Mr. Kawade Shrikant G.
APP for Respondents: Mr. R.V. Dasalkar
...

CORAM: RAVINDRA V. GHUGE & B. U. DEBADWAR, JJ.

Dated: January 19, 2021

PER COURT :-

1 We have considered the strenuous submissions of the learned Advocate for the appellant and the learned Prosecutor on behalf of respondent No.1 - State.

2 With the assistance of the learned counsel, we have gone through the record placed before us.

3 The appellant is before us in view of his name having surfaced in investigation with reference to FIR No.179/2018 registered on 20.6.2018 with the Anandnagar Police Station, District: Osmanabad. Section 307, 143, 147, 148, 149, 324, 452, 504 and 506 of IPC read with sections 37(1) and 135 of the Maharashtra Police Act and sections 3(1)(r) and 3(2)(v) of the Scheduled Castes & the Scheduled Tribes (Prevention of Atrocities) Act, 1989 have also been invoked.

4 The narration in the FIR indicates that the 12 accused had

attacked the deceased who was sitting in front of his house peacefully with other family members. A knife was used for inflicting stab injuries to the deceased. The name of the present appellant was not mentioned in the FIR since the eye witnesses were not acquainted with some of the persons of the unlawful assembly. During investigation, it was noticed that a four wheeled vehicle Mahindra Scorpio was used by one of the accused and the present appellant turned out to be the owner of the said vehicle. The sister in law of the victim had seen the appellant-assailants along with other eye witnesses. Statement of the witnesses were recorded. The appellant was absconding for more than 18 months and the Police authorities were trying to trace him out for interrogation. The attack committed by the accused has led to the death of the person who was inflicted with stab injuries and section 302 of IPC was attracted. The Mahindra Scorpio vehicle has been seized by the Police and the involvement of the appellant and the use of the said vehicle is being investigated. The trial Court has rejected the application filed by the present appellant for anticipatory bail on two occasions.

5 The appellant has taken a plea that he was in Karad, Dist. Satara on the date of incident. The investigation reveals that the appellant appears to have aided the accused to flee from the spot after the incident.

6 Considering the above, we find that the role of the appellant and the utilization of the vehicle in the crime needs investigation and his interrogation is therefore crucial. We do not find that the appellant has made out a case for grant of anticipatory bail.

7 This appeal is, therefore, rejected.

(B. U. DEBADWAR, J)

(RAVINDRA V. GHUGE, J)

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