

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

BAIL APPLICATION NO. 1143 OF 2023

Amol Subhash Waykule	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Rajiv Patil, Sr. Advocate a/w Vishal Kolekar, Shubham Kadam,
Harsharaj Jagtap i/b Mr. Randhir Kale for the Applicant.
Mr. A.R. Kapadnis, APP for the State.

CORAM: N. R. BORKAR, J
DATED: 27 JUNE, 2023

PC:-

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No. 590 of 2018 registered at Barshi City Police Station, District – Solapur for the offences punishable under Sections 302, 324, 323, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code (IPC), Section 4(25) of the Arms Act and Section 135 of the Maharashtra Police Act, 1951.
3. I have heard the learned senior counsel for the applicant and the learned APP for the respondent – State.
4. According to the prosecution, on the date of the incident which took place on 28 October 2018, the present applicant along with other co-accused assaulted the deceased by a sword, iron rod

etc. and committed his murder on account of a previous dispute.

5. This is the second bail application. By order dated 20 October 2022, this Court permitted the applicant to withdraw the first bail application with liberty to file fresh bail application after six months, as the statement was made that the applicant is in jail for more than four years and the trial has not commenced. However, it appears that after the alleged incident, the applicant was absconding for more than two years and came to be arrested on 21 February 2021.

6. It appears from the statement of eye-witnesses that at the time of alleged incident the applicant was armed with iron rod and assaulted the deceased by the said iron rod. The learned senior counsel for the applicant submits that medical evidence i.e. post-mortem report does not support the version of the eye-witnesses at least in relation to the assault by iron rod.

7. It appears that the deceased was brutally assaulted. Considering the overall facts and circumstances of the case and as the applicant was absconding after the alleged incident, I am not inclined released the applicant on bail.

8. Application is rejected.

(N. R. BORKAR, J.)