



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

967 BAIL APPLICATION NO. 430 OF 2024

VISHAL DNYANESHWAR SABALE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Harshal Prakash Randhir.

APP for Respondent/s-State : Ms. D. S. Jape.

...

CORAM : S. G. MEHARE, J.

DATE : 19.07.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent/s-State.
2. The applicant seeks bail in Crime No.41 of 2023, registered with Jamner Police Station, District Jalgaon, for the offences punishable under Sections 302, 201, 449, 376, 511 of the IPC.
3. It is a case of attempt to ravish a woman and on failure to murder her taking the advantage of the noise of the marriage procession.
4. Learned counsel for the applicant would submit that there is no evidence against the applicant. The circumstantial

evidence collected against him is not specific. The witnesses whose statements have been recorded belatedly told that they said the applicant going with his friend out of the gate of the village. The house where the alleged incident happened is in a thick locality. Therefore, it was not possible to commit the crime. The applicant has been falsely implicated in the crime. Hence, he may be granted bail.

5. Learned APP has strongly opposed the application. She vehemently argued that the applicant entered the house of the victim with intent to rape her. However, she resisted. In the resistance, the applicant has suffered the injuries. Then, the applicant killed her with a grinder normally used to crush the food picked up from the house. On the same day, the applicant was arrested. His blood stained clothes and the weapon has been recovered at his instance. His shoes were also recovered. These are the strong circumstances against the applicant. The offence is serious. The security of the woman is a burning issue. Therefore, bail should not be granted to him.

6. Admittedly, there was a marriage procession on the day of the incident. The case is based upon the circumstantial evidence. On the same day, the applicant was arrested. The prosecution has also explained the injuries suffered to the

applicant. The alleged weapon is also verified by the expert that match with the injuries caused to the deceased. Blood stained clothes were recovered at the instance of the applicant. Recovery of the weapon at his instance is another circumstance against the applicant. The evidence collected against the applicant appears probable. The advantage of the crowd, noise of D.J. appears to have been taken by the applicant. He picked up the weapon from the spot of the incident and killed the innocent lady.

7. Considering the material placed on record, the Court is of the view that strong circumstantial evidence is against the applicant. The offence is grave. The safety of a woman is in danger. Hence, he does not deserve bail.

8. Bail Application stands dismissed.

(S. G. MEHARE, J.)

...

vmk/-