



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1057 OF 2024

Gopal @ Anna Kailas Saindane
age 32 yrs, Occ. Nil,
R/o Opposite Balaji Temple,
Koli Peth, Zopadpatti, Jalgaon. Applicant.

Versus

State of Maharashtra,
Police Station Officer,
Jalgaon City Police Station,
Jalgaon. Respondent

Mr. S.S. Bora advocate for applicant.
Mr. V.M. Jaware, APP for respondent State

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CORAM : S. G. CHAPALGAONKAR, J.
Date : 6th August, 2024.
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PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.380 of 2022 dated 21.1.2022 registered with City police station, Jalgaon, for the offences punishable under sections 302, 307 r/w 34 of the Indian Penal Code.

2. One Sagar Sapkale informed the police station that applicant/accused Gopal @ Anna Kailas Saindane assaulted his brother Akash using knife. Thereafter, accused Gopal assaulted on back and hand of the informant and also assaulted Sagar Ananda Sapkale on back and stomach. Akash Sapkale lost his life owing to assault by the applicant-accused.

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Applicant accused has been arrested on 21.12.2022. Since then, he is behind bar. His application for grant of bail has been rejected by the Sessions Court.

3. Mr. Bora, learned advocate appearing for applicant submit that co-accused persons are already released on bail. The applicant is behind bar for almost 20 months. Trial is at nascent stage. He would submit that looking to nature of the incident, case of culpable homicide not amounting to murder may be made out against the applicant. Intention to kill cannot be gathered. Mr. Bora, would submit that there are contradictions as regards to the role played by the individual accused persons. Therefore, he urges to release the applicant on bail.

4. Per contra, learned A.P.P. submits that the applicant is a hardened criminal. The charge is already framed in the trial and matter is posted for evidence. He would submit that previously as many as five offences are registered against the applicant for causing bodily injuries. Contents of the FIR and statement of witnesses are consistent as regards to the role played by the applicant. As such, he urges to reject the application.

5. Having considered the submissions advanced, it can be observed that FIR clearly stipulates role of the applicant as main assailant. FIR states that applicant took out knife from box of his scooter, followed brother of the informant namely

Akash Sapkale and raised assault on vital part of the body. Thereafter, applicant assaulted informant on his back and palm and proceeded to assault to Sagar Ananda Sapkale on his stomach and back. Medical evidence on record supports version in the FIR. Statement of the injured witnesses also pinpoints role of the applicant. Prima facie, the applicant is responsible for death of Akash Sapkale and serious injuries to the injured witnesses. The weapon of offence is recovered at the instance of the applicant. Medical evidence indicates that injuries suffered by the deceased are possible by weapon used by the applicant. The evidence in the charge-sheet is sufficient to prima facie bring home complicity of the applicant in commission of the offence. However, it is made clear that the observations hereinabove are on prima facie consideration of material and only for disposal of this application.

6. In that view of the matter, no case is made out for grant of bail. However, the learned Sessions Court is expected to endeavour expeditious disposal of the trial within a period of (9) Nine months from today. Hence, bail application is rejected.

(S.G. CHAPALGAONKAR)
JUDGE.

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