

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

**CRIMINAL APPEAL NO. 1143 OF 2024**

Mahadev Kadappa Gundewadi

... **Appellant**

**Versus**

The State of Maharashtra And Anr.

... **Respondents**

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**Mr. Aniket Nikam** *i/b Mr. Amit Icham a/w Mr. Pratik Jadhav for the Appellant.*

**Ms. Shilpa G. Talhar** *for the Respondent No.1-State.*

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**CORAM : SANDEEP V. MARNE, J.**

**DATE : 22 OCTOBER 2024.**

**P.C. :**

1) This is an Appeal filed under provisions of Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (**SC & ST Act**) challenging the Order dated 8 October 2024 passed by the Additional Sessions Judge-4, Sangli rejecting the application filed by Appellant for grant of pre arrest bail under provisions of Section 482 Bharatiya Nyaya Sanhita in connection with C.R. No. 527 of 2024 registered with Jath Police Station for offences punishable under Sections 103(2), 189(2), 190, 191(2), 191(3), 238 of Bharatiya Nyaya Sanhita and Sections 3(1)(r), 3(1)(s) 3(2)(5), of the SC & ST Act.

2) I have heard Mr. Nikam, the learned counsel appearing for the Appellant and Ms. Talhar, the learned APP appearing for Respondent No.1-State.

3) The prosecution story in brief is based on supplementary statement of the Complainant recorded on 18 August 2024, which reflects conversation between the Complainant and Ganesh Waghmare, who had apparently witnessed the initial assault on the deceased. The supplementary statement further records that said Ganesh Waghmare disclosed to the Complainant that the wife of Accused No.1 – Sunanda Kitture informed Ganesh Waghmare that after he fled the spot after noticing the initial assault on the deceased, Sunanda saw her husband making a phone call and calling his brothers and other known persons (including the Appellant) and the said persons (including the Appellant) arrived in a car on 13 August 2024 at 1.15 am. with various weapons such as sticks, iron rods, PUC pipes etc. The statement further reflects information revealed by Sunanda to Ganesh that the said persons (including the Appellant) assaulted the deceased by use of sticks, iron rod, PUC plastic pipes etc. The statement further reflects that Sunanda informed Ganesh that the said persons, including the Appellant took the deceased near the car at 1.45 a.m. and again assaulted him. Sunanda has further disclosed to Ganesh that the dead body of the deceased was kept in the car and taken away for disposal.

4) Mr. Nikam would submit that the said supplementary statement of the Complainant recorded five days after registration of the FIR reflects double hearsay as the statement alleges conversation

between Complainant and Ganesh and between Ganesh and Sunanda. In my view there is *prima facie* material on record to infer participation by the Appellant in the assault on the deceased. In that view of the matter, custodial interrogation of the Appellant would be necessary. Since Sunanda has specifically disclosed to Ganesh that Appellant was carrying weapons in the car, his custodial interrogation is necessary for the purpose of recovery as well. In my view this is not a fit case for grant of anticipatory bail to the Appellant. The learned Special Court has rightly rejected the Application filed by the Appellant. The Appeal being devoid of merits and is accordingly **dismissed**.

**[SANDEEP V. MARNE, J.]**