IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1509 OF 2024

Patwardhan Murlidhar Ubale ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. Aniket Vagal a/w Savvy Kolhekar and Kunal N. Pednekar for the Applicant.
Ms. Rutuja A. Ambekar, APP for Respondent-State.

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CORAM: MANISH PITALE, J.
DATE : 16th JULY 2024

P.C. :

. Heard learned counsel for the applicant and learned APP for respondent-State.

2. The applicant apprehends arrest in connection with FIR No.0211 of 2023 dated 13th November 2023 registered at Igatpuri Police Station, Nashik, for offences under Sections 302, 143, 147, 148, 149, 324, 342, 504 and 506 of Indian Penal Code, 1860 (IPC) and Sections 37(1), 37(3) and 135 of Maharashtra Police Act, 1951.

3. The informant is the wife of the victim, who was brutally assaulted, suffered numerous injuries and died. In the statement of the informant, it is specifically stated that the applicant along with the other accused persons came armed with axes and other

weapons. They entered the house of the informant and assaulted her husband by means of the aforesaid weapons on his head, chest, back and other parts of the body. This resulted in the death of the victim. Postmortem report shows injuries on vital parts of the body and the cause of death is recorded as death due head injury with haemorrhagic shock and multiple sharp injuries over the body, sufficient to cause death in the ordinary course of nature.

4. The ladies who were named as accused persons, were granted anticipatory bail, while the applicant and one more accused person i.e. Siddharth Ubale, have not been apprehended. The others are behind bars. There are as many as 12 accused persons in the present case.

5. The learned counsel for the applicant submits that he has an alibi and this could be evident if the Investigating Officer records statement of a particular person. It is further submitted that the health condition of the applicant is such that he could not have undertaken the actions that have been attributed to him.

6. This Court is of the opinion that such submissions regarding alibi cannot be considered at this stage, when specific overt acts are attributed to the applicant. In fact, the statement of the informant, leading to registration of the FIR, demonstrates that the applicant was one of the prime accused persons involved in the brutal assault, which was launched on the husband of the informant.

7. The learned APP is justified in submitting that in such circumstances, there is no case made out for granting anticipatory bail.

8. Considering the material on record, this Court is not inclined to allow the present application. Accordingly, the application is dismissed.

MANISH PITALE, J.

BIPIN DHARMENDER PRITHIANI
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