



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

952 BAIL APPLICATION NO. 1337 OF 2025

Sandeep Udhav Kale,

Age : 27 years, Occupation : Labour,

R/o. Waki, Tq. Ashti, Dist. Beed.

... Applicant

Versus

1. The State of Maharashtra,
through Officer in charge,
Police Station Ashti,
District Beed.

2. The Superintendent of Police,
Beed, Dist. Beed.

... Respondents

...

Mr. Sudarshan J. Salunke, Advocate for Applicant.

Mr. G. O. Wattamwar, APP for Respondent Nos.1 and 2-State.

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 20 AUGUST, 2025

PC.:-

1. Heard Mr. Sudarshan Salunke, learned Advocate for the Applicant and Mr. G. O. Wattamwar, learned APP for Respondent Nos.1 and 2-State.

2. This is an application for grant of bail in connection with C.R. No.529 of 2023 dated 7th December 2023, registered with Police Station Ashti, District Beed, for the offences punishable under Sections 302, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code (IPC) and Section 37(1)(c) of the Maharashtra Police Act, 1959.

3. The Informant-Sachinabai Avan Kale is the wife of Avan Haiwan Kale. She averred in the report that her brother-in-law-Amol Haiwan Kale had called her on 6th December 2023 at 10.30 p.m., informing that the Applicant and co-accused assaulted her husband by the knife, bamboo stick, etc. It is further averred that Applicant and co-accused questioned the husband of Informant as to why he stated the name of other two accused to the police in the crime. That time, the husband of Informant even said that he had not informed anyone's name to the police, rather co-accused-Krishna Bhosale and Ajay Bhosale stated his name to the police. Therefore, the Applicant and other co-accused were enraged and they started to assault him with the stones. Co-accused-Kanhaiya Uddhav Kale and Sandeep Uddhav Kale assaulted the husband of Informant by knife on his left thigh. The Applicant- Sandeep and co-accused Uddhav Aguchand Kale assaulted on the head of husband of Informant with the help of bamboo stick. He sustained injuries to his head, left leg and thigh. The blood was oozing out from his injuries. Vitthal Bhosale and Informant tried to rescue the quarrel, after that they took the Avan Haiwan Kale to Government Civil Hospital, Ashti. The doctors referred him to the Civil Hospital, Ahmednagar. Doctor inspected him and declared that he is no more. He succumbed to the injuries. Therefore, report was lodged on the second day of his death i.e. on 7th December 2023.

4. Learned Advocate for the Applicant submitted that Applicant is falsely implicated in the crime. Earlier there was quarrel between the Informant and Applicant and other two co-accused. Therefore, he is falsely implicated in the crime. He pointed out the order rejecting bail to the Applicant passed by learned Additional Sessions Judge-2, Beed dated 15th March 2025. Particularly, paragraph No.8 in which the antecedents of the Applicant are stated. He submitted that Applicant is behind bar since May 2024. He has roots in the society. He will not flee away from the trial. He lastly prayed to allow the application.

5. Learned APP strongly opposed the application and pointed out that knife is seized at the instance of the Applicant which was used in the crime. He submitted that Applicant has criminal antecedents. Therefore, learned Sessions Court has held that bail cannot be granted to the Applicant.

6. Learned APP further pointed out that the statement of eye witness-Amol Kale, who has stated that Applicant assaulted on the head of the victim by the knife, which according to him is the cause of death as per post-mortem report. He submits that if the Applicant is released on bail, considering his antecedents, there is possibility of pressuring of the prosecution witnesses. He further submits that such type of incidents on the part of Applicant cannot be ruled out. He

prayed to reject the application.

7. Learned Advocate for the Applicant has fairly conceded that the Applicant has criminal antecedents. However, if the bail is granted, he would follow the conditions of the bail and would not involved in criminal activities in future.

8. The eye witness in statement has stated that the Applicant assaulted the deceased on his head by knife. Upon considering the report along with the statements of eye witnesses as well as post-mortem report together, *prima-facie*, the role of the Applicant is spelt out that he assaulted deceased-Avan with the knife. Applicant is booked for serious crime of murder for which punishment for imprisonment for life is prescribed. Further, he has criminal antecedents. Possibility of pressuring prosecution witnesses cannot be ruled out. Possibility of commission of same nature of crime cannot be ruled out.

9. Considering all these reasons, the Applicant is not entitled for bail. The application deserves to be rejected.

10. The application is rejected.

(SANJAY A. DESHMUKH, J.)