

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

Criminal Application No.481 of 2015

Sandeep s/o Radhakisan Phatangade. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. N.S. Ghanekar, Advocate, for applicant.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for respondent.

Shri. Nitin K. Chaudhari, Advocate, to assist the APP.

CORAM: T.V. NALAWADE, J.

DATE : 4th MARCH 2015

ORDER:

1) The application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.

2) Crime is registered on the basis of report given by the father of the deceased, who was aged about 30 years. On 15-10-2014 one Babulal Rasal took the deceased in his car at 6.00 p.m. by saying that they were proceeding to take dinner in a hotel situated on highway.

As Anil did not return till late hours of the night, inquiry was made with Babulal and he informed that on that night Anil had quarrel with staff of Tuljai Dhabha and from there Anil had run away. Search was made for Anil but he could not be traced. The father gave missing report on 16-10-2014. The dead body was found in a well on 17-10-2014. The report came to be given on 17-10-2014. The complainant expressed suspicion against Babulal Rasal, Salikram and Mohan as on the ground of dispute over a common bandh they had quarrel in the past.

3) Babulal, present applicant, Salikram, Mohan and the owner of the hotel are made accused in the case.

4) Some statements show that on that night Babulal, Salikram, Mohan were seen in the company of deceased Anil. Then on 7-11-2014 statement of one Raju Babar came to be recorded and it shows that he had visited the Dhaba on that night and he had seen the present applicant, Salikram, Babulal, Mohan also in the Dhaba and all these persons were giving beating to Anil. He had left the place at that time.

5) This Court has perused the spot panchanama and the post mortem report. Unfortunately the distance between the well and the aforesaid Dhaba is not mentioned in the spot panchanama or in the map of scene of offence. The post mortem report shows that no ante mortem injury was found on the dead body. The death took place due to asphyxia due to drowning.

6) The applicant is behind the bars since 9-12-2014. It is not certain as to how much time will be required for disposal of the case.

7) In the result, the application is allowed. The applicant is to be released on bail in Crime No.I-0177/2014 registered in Gondi Police Station, District Jalna for offences punishable under sections 302, 201, 120-B of the Indian Penal Code on his furnishing PB and SB of Rs.15,000/-. The applicant is not to tamper with prosecution witnesses. He is not to commit similar offences.

Sd/-

(T.V. NALAWADE, J.)

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