

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2668 OF 2015.

**RAMESH NANA GAIKWAD AND OTHERS.
VERSUS
THE STATE OF MAHARASHTRA.**

Appearance =>

Mr. Amit A. Yadkikar, Advocate for the Applicants.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 8th June, 2015.

Per Court :-

Present Criminal Application is filed by the applicants for grant of anticipatory bail, since they are apprehending arrest in connection with CR No. I 104/2015 registered with Police Station, Bidkin, Taluka – Paithan, District – Aurangabad for the offences punishable under Section/s 302, 307, 452, 504 read with 34 of the Indian Penal Code.

[2] I have heard Mr. Amit A. Yadkikar, learned counsel for the Applicants and Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State.

[3] Criminal law was set into motion by Sangita Gaikwad, mother of deceased Sachin. According to the learned counsel for the applicants, though incident in question was occurred on 29th April, 2015; First Information Report is lodged on 30th April, 2015.

However, from the First Information Report, it is clear that, deceased initially was admitted in the M.I.C.U. Ward, Ghati Hospital, Aurangabad, therefore, it was expected from unfortunate mother, first to look after her son, rather approaching to the police station, therefore, one day's delay, at least prima facie, cannot fatal one.

[4] I have gone through the spot panchnama, duly recorded during the course of investigation by the Investigating Officer, which substantiate and supports the assertion made by the first informant – Sangita in her First Information Report that tin/s on roof of her house, were removed.

[5] After having gone through the First Information Report, it is clear that the allegations are against Applicant No.1 Ramesh that he is culprit, who has caused the death of Sachin. In that view of the matter, application filed on behalf of Applicant – Ramesh is hereby rejected.

[6] In so far as other applicants are concerned, from the First Information Report and from the statements of daughter in law, who were present at the relevant time, in the house clearly show that they have not involved Applicant No.2 – Ratan Nana Gaikwad, Applicant No.3 – Nana Sakham Gaikwad and Applicant No.4 – Uttam Nana Gaikwad in the ghastly incident. In that view of the matter, I pass the following order :-

ORDER

- (i) Criminal Application is partly allowed.
- (ii) Criminal Application filed by Applicant No.1 – Ramesh Nana Gaikwad is rejected.

(iii) Criminal Application filed by Applicant No.2 – Ratan Nana Gaikwad, Applicant No.3 – Nana Sakharam Gaikwad and Applicant No.4 – Uttam Nana Gaikwad is hereby allowed.

(iv) In the event of arrest, Applicant No.2 – Ratan Nana Gaikwad, Applicant No.3 – Nana Sakharam Gaikwad and Applicant No.4 – Uttam Nana Gaikwad, shall be released on anticipatory bail on they executing P.R. Bond of Rs. 15,000/- [Rs. Fifteen Thousand.] each with one solvent surety in the like amount, in connection with CR No. I 104/2015 registered with Police Station, Bidkin, Taluka – Paithan, District – Aurangabad for the offences punishable under Section/s 302, 307, 452, 504 read with 34 of the Indian Penal Code.

(v) Applicant No.2 – Ratan Nana Gaikwad, Applicant No.3 – Nana Sakharam Gaikwad and Applicant No.4 – Uttam Nana Gaikwad shall attend Police Station, Bidkin, Taluka – Paithan, District – Aurangabad once in a week, preferably on every Sunday and shall remain present in the said Police Station between 2.00 to 3.00 p.m., till Charge-Sheet is filed.

(vi) With this Criminal Application is partly allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)