

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

901 CRIMINAL APPLICATION NO. 5228 OF 2016

RAVI S/O RAMESH HADSE

VERSUS

THE STATE OF MAHARASHTRA

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Mr. M.M.Parghane, Advocate for Applicant.

Mr. S.P.Sonpawle, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 21st, OCTOBER 2016

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ORAL ORDER :

1. The applicant/accused in Crime No. 47/2015 registered at Jalkot police station, Tq. Jalkot, Dist. Latur for the offences punishable U/ss 302,201,468,120-B,363,365 read with 34 of the Indian Penal Code, by this application is seeking pre-arrest bail.

2. Heard the learned counsel for applicant/accused as well as the learned A.P.P. Learned A.P.P. opposed the

application by contending that for recovery of amount due from brother-in-law Mangesh Vaijnath Kotalwar, accused persons abducted Rohit Dileep Kodawar and ultimately murdered him. According to the learned A.P.P., the case is based on circumstantial evidence and statements of witnesses show motive.

3. Perused the papers of investigation. F.I.R. of the crime in question was registered at the instance of Dileep Rajaram Kodawar - father of the deceased. In his presence, his son Rohit Dileep Kodawar [since deceased] was abducted by 4 accused persons from the area of village Jalkot. Ultimately, dead body of Rohit Dileep Kodawar was found on 25/12/2015 in Karnataka State. According to the prosecution case, deceased Rohit Dileep Kodawar was working with brother-in-law Mangesh Vaijnath Kotalwar. Mangesh Kotalwar was indebted to accused persons by Rs. 8 Lakh and, therefore, Mangesh Kotalwar had left village Shirur Tajband and went to Hyderabad to avoid repayment. For seeking recovery of money, according to the prosecution case, Rohit Dileep Kodawar was abducted and subsequently murdered by accused persons including present applicant.

4. Perused the charge sheet placed on record by the applicant. Circumstances against present applicant, as seen from the charge sheet, is statement of owner as well as an employee of Saili Dhaba and Bar on Shirur - Latur High-way. These witnesses are stating that co-accused Pramod Shinde and Shankara Kadam along with 2 persons had consumed liquor and had dinner at that eatery and subsequently Rohit Dileep Kodawar was abducted. Then there is averment of witnesses that there were calls of cell phone of mother of the deceased for extortion of amount of Rs. 8 Lakh allegedly due to Mangesh Kotalwar.

5. Considering the nature of evidence against present applicant, though offence is punishable u/s 302 of the Indian Penal Code, custodial interrogation of present applicant is not warranted. Hence, the following order.

(i) The application is allowed.

(ii) In the event of his arrest in Crime No. 47/2015 registered at Jalkot police station, Tq. Jalkot, Dist. Latur for the offences punishable U/ss 302,201,468,120-B,363,365 read with 34 of the Indian Penal Code,

applicant Ravi s/o Ramesh Hadse be released on bail on executing P.R. Bond of Rs. 20,000/- [Rupees Twenty Thousand] and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicant shall not tamper the evidence of the prosecution.

(v) The applicant shall attend the concerned police station on 05/11/2016 and 12/11/2016 in between 11.00 a.m. and 1.00 p.m. and he should co-operate the Investigating Officer in the investigation of the crime in question.

[A.M.BADAR, J.]