

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

CRIMINAL APPLICATION NO. 2467 OF 2017

1. Tafajul s/o Meheebub Attar, ... **Applicants**
Age 36 years, Occu: Service, R/o
Darga Hajarat Musa Nagar
Udgir, Tq. Udgir Dist. Latur
2. Hakani s/o Ismal Shaikh,
Age 35 years, Occu: Service,
R/o Daga Hajarat Musa Nagar,
Tq.Udgir, Dist.Latur

VERSUS

The State of Maharashtra, ... **Respondents**
Through Incharge Police
Officer,Udgar Police Station,
Udgir City, Taluka Udgir Dist.
Latur

Mr. Swami Sandeep C. & Mr. Balaji V.Reddy, Advocate
for the applicants

Mr. A. A. Jagatkar, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 13th June, 2017

ORDER:

1. Heard Mr. Swami, learned counsel for the
applicant and Mr. Jagatkar, learned APP for the State.

2. Present Criminal Application is filed under
section 438 of the Code of Criminal Procedure for grant
of anticipatory bail in connection with Crime No.
34/2017, registered with Udgir City Police Station,
Dist. Latur for the offences punishable under sections

302, 364, 323 read with sections 34 and 120 B of the Indian Penal Code, 1860.

3. The present applicants are teachers. One Avinash Ashok Waghmare filed a complaint with Udgir City Police Station alleging that on 21.02.2017, at about 10.15 p.m., he was sitting on Katta of Telephone Office near Vidhyavardhani School with Vijaykumar Baliram Masure (since deceased). At that time, one Indica Motor Car came there and two unknown persons came out from the backside of the Car, armed with wooden sticks, they forcefully caught hold the deceased Vijaykumar and taken him away. Reason behind kidnapping was that one Savita Biradar had agitated and gone on fast against the misdeed committed by one Shivkumar Kamble and deceased Vijaykumar helped her for the same. Subsequently, dead body of the deceased was found. On the basis of the complaint, the aforesaid offence came to be registered.

4. Perused the papers of investigation. The only circumstance appearing on record is that the applicants had disappeared from the date of incident. The incident took place on 21.02.2017 at 10.15 p.m. The learned counsel for the applicants states that since

the applicants are friends of Shivkumar Kamble and Police already arrested him, the applicants are having apprehension in their mind of their arrest.

5. By referring to the statements of Kishore Chitte and Balu Bhalerao, the learned APP submits that there was conspiracy between these applicants and main accused person to kill Vijakumar Masure by giving Supari i.e. Contract killing. Even from careful perusal of the statements of these witnesses, nowhere it is clear that there was conversion between the accused persons of hatching conspiracy to kill Vijaykumar Masure. Merely because the applicants have disappeared from the date of incident is not sufficient to connect the applicants with the alleged crime. Furthermore, nothing is to be recovered from the applicants. No specific role is attributed to the applicants in reference to the contract killing.

6. In view of the above circumstance, I am of the opinion that the applicants can be enlarged on anticipatory bail. Hence following order:

O R D E R

- i. In the event of arrest of the applicants in connection with Crime No. 34/2017, registered

with Udgir City Police Station, Dist. Latur, they shall be released on bail on their executing P.R. Bond of Rs. 25,000/- [Rs. Twenty five thousand only] each, with one solvent surety in the like amount.

ii. The applicants shall attend Udgir City Police Station, Dist. Latur once in a week i.e. on every Sunday between 12.00 noon to 2.00 p.m, till filing of the charge sheet.

iii. The applicants shall not tamper with the prosecution evidence in any manner and shall cooperate with the investigating officer in further investigation.

7. Criminal application disposed of.

(K. L. WADANE, J.)

JPC