

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

**911 ANTICIPATORY BAIL APPLICATION NO.562 OF 2021
WITH APPLN/1138/2021 IN ABA/562/2021**

**KIRAN TETRAS KEDARE
VERSUS
THE STATE OF MAHRASHTRA**

Advocate for Applicant : Mr. VD Sapkal, Sr.Counsel i/by Mr.
Gore Ravindra Vitthal
Mr. SD Ghayal, APP for Respondent-State;
Mr. SG Kawade, Advocate for complainant.

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 1st June, 2021.
(VACATION COURT)

PER COURT :-

1. Leave to correct father's name of the applicant is granted. The corrections be effected forthwith.
2. Criminal Application moved to assist the APP is allowed and disposed of.
3. Heard learned Senior Counsel, instructed by learned Advocate for the applicant. Learned APP, assisted by learned Advocate Shri SG Kawade, have strong objection for granting any ad interim relief to the applicant.
4. Perusal of the FIR and the remand reports would show that the FIR was registered against the unknown persons. Further, as the investigation is in progress, it appears that on the statement made by the arrested co-accused persons, name of the present applicant is revealed

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and it is stated, what the police had got information was that the arrested accused had given a phone call to the present applicant and disclosed him as to whether they should kill the deceased. On such allegations, it is stated that there was a conspiracy between the accused persons. However, from the order that was passed by learned Additional Sessions Judge, it does not appear that the Investigating officer had produced the CDR. It is stated that the CDR was collected and the perusal of the same by the concerned Judge, it is observed that, that communication was between the accused persons prior to during and after occurrence of the incident. However, as regards connecting the accused with the present applicant is concerned, whether that evidence would be sufficient is a fact to be noted and, therefore, till the papers are perused, interim protection deserves to be granted to the applicant. Hence, following order, -

ORDER

- i. Issue notice to respondent, returnable on 11.6.2021. Learned APP waives notice for Respondent-State.
- ii. In the meantime, in the event of arrest of the applicant in connection with CR No. 131/2021 registered with Bidkin Police Station District Aurangabad, for the offences punishable under Sections 302, 201, 120-B, 34 of IPC, he be released on PR of Rs.50,000/- with two sureties of Rs. 25,000/- each.
- iii. The applicant shall not tamper with the

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evidence of the prosecution in any manner and shall co-operate with the Investigating Officer. He should remain present before the Investigating Officer on every Saturday between 10.00 AM to 12.00 PM till further orders.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV