

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1425 OF 2021

1. Jeevraj s/o Keshav Hange
2. Baburao s/o Keshav Hange

...Applicants

Versus

The State of Maharashtra

...Respondent

...

Advocate for the Applicants : Mr. Dr. R. R. Deshpande h/f.
Ms. Priyanka R. Deshpande
APP for the Respondent – State : Mr. A. S. Shinde

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CORAM : PRAKASH D. NAIK, J.

DATE : 15th DECEMBER, 2021

PER COURT :-

1. This is an application for anticipatory bail in Crime No. 533/2021 registered with Kaij Police Station, Taluka Kaij, District Beed for the offences punishable under Sections 302, 365, 342 read with Section 34 of Indian Penal Code.

2. The First Information Report was lodged by the wife of the deceased on 31.10.2021. The prosecution case is that deceased was acting as sugarcane cutter / Mukadam. He had purchased tractor. There was agreement with the

applicants for providing labour for cutting sugarcane. The deceased had taken amount of Rs. 3,50,000/- for providing tractor and labour. On 29.10.2021 the applicants visited house of victim at about 5.45 a.m. They questioned him about the availability of the tractor. He was made to sit in the vehicle. The applicants / accused left the residence of the complainant. Subsequently, the complainant had received call from her husband that he has been taken to Kaij. On the next day at about 07.00 a.m. she again received call from her husband. He told her that as long as he does not provide tractor and the workers for cutting sugarcane, he will not be released by the applicants. At about 3.00 p.m. the applicant No. 2 told the complainant to bring tractor at Kaij, on production of tractor and workers, the victim would be released. At about 07.35 p.m. victim spoke to complainant. He enquired with complainant, he would about the time period within which they would reach Kaij with tractor and worker. The complainant and others left for Kaij with tractor and labourers and reached there at about 12.00 hours. The complainant made enquiry with accused about whereabouts of her husband. The accused gave evasive answers. They informed that the victim is at

Karkhana. At about 08.00 p.m. on 30.10.2021 the complainant and other reached to Ambedkar Sahakari Sakhar Karkhana, Tuljapur. She could not locate her husband. They were again called at Kaij. Subsequently, it was noticed that the victim was found dead in room. He was strangulated with Gamcha. His face was towards the ground. Thereafter the FIR was registered.

3. Learned counsel for the applicants submitted that the case is based on circumstantial evidence. Except suspicion there is no evidence to show that the applicants were involved in the offence. There was no reason for the applicants to commit the offence. Except the fact that the victim was called by the accused in relation to work, there is no evidence to show that applicants had killed the deceased. The victim had visited Kaij since it was late to return home, he stayed at Kaij. The door was closed from inside. There is no evidence to show that the accused were instrumental in killing or abating to commit suicide. The applicants are willing to co-operate with the investigation. The allegations are after thought. Homicide is not possible since the door of the room where the body of the victim was locked from inside. It was broke open

while entering into the room. The victim was found dead in the room. There is delay in lodging FIR. Custodial interrogation of applicants is not required.

4. Learned APP submitted that this is a serious offence. The victim was abducted by the accused. He was forcefully taken in the vehicle to Kaij. The victim died in the room premises which was in possession of the accused. He died in suspicious circumstances. It is a case of strangulation. The accused were involved in committing murder. The circumstances revealed during the course of investigation points out that the applicants have committed the crime. Although the front door was locked from inside, the window attached to premises where the dead body of the victim was found, was open. Spot panchanama was recorded. In some part of the window the dust was clean which indicate that there is entry of some person in the room. The investigation is in progress. The complainant has given details as to how the victim was abducted by the accused and forcefully taken in the vehicle to Kaij. The accused gave evasive answers. Their conduct is suspicious. The victim was not released by them in spite of the fact that the complainant

and others had visited Kaij along with the tractor and labourers.

5. I have perused the documents on record. Undisputedly, the body of the victim is found in the premises of the applicants. There was conversation between the victim and the complainant. He had disclosed that he has been confined in the premises and the accused would not release him unless the tractor and the labourers were provided for cutting sugarcane. The accused were enraged by the fact that the amount of Rs. 3½ Lakhs was collected by the victim for the purpose of providing tractor and labour for cutting sugarcane. The spot panchanama was recorded. On perusal of the spot panchanama, it is evident that there are incriminating circumstances which indicate that it may be a case of homicide. The victim was lying dead in the room belonging to accused. Gamcha was found around his neck. It is also pertinent to note that he was found lying with his face towards the ground which also create doubt whether he has committed suicide. Thus, the investigation is required to be conducted by subjecting applicants to custody. There are strong circumstances against the

applicants. Window gives access to any person to enter into premises. In view of the above, no case is made out for grant of anticipatory bail.

ORDER

(i) Anticipatory Bail Application No.1425 of 2021 is rejected.

(ii) At this stage, learned counsel for the applicants submits that the applicants intend to approach the Apex Court for seeking appropriate relief and the interim relief granted by this Court may be extended by four weeks. Learned APP opposes the prayer, for the extension of relief. The offence is of serious nature. Considering request of learned Advocate for applicant, interim protection is extended for a period of two (2) weeks.

(iii) Application is disposed of.

**(PRAKASH D. NAIK)
JUDGE**

shp/-