

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1122 OF 2021

Jagdish Trumbak Mandlik

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr.Subodh Desai i/b. Sachin D. Kadam, Advocate for Applicant.
- Mr.Ajay Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 30th APRIL, 2021
(through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.37 of 2021 dated 18/02/2021 registered with Gangapur Police Station, Nashik, under sections 302, 120-B r/w 34 of the Indian Penal Code.

2. Heard Mr.Subodh Desai, learned counsel for the Applicant and Mr.Ajay Patil, learned APP for the State.

3. The FIR is lodged by one Vishal Ramesh Mandlik. He is son of the deceased Ramesh, who was murdered. This is the subject matter of the present FIR. In the FIR he has described the dispute between the informant's family and the present Applicant and his family. The dispute was regarding ancestral land. The deceased Ramesh had filed a private complaint in the Court. He has also filed Criminal Case No.1442/2017 and 300713/2015 in CJM's Court. In those cases, the deceased had alleged that the Applicant and his group had prepared forged documents. One Mukta Motkari from Applicant's group had given her own complaint against the informant's group in the year 2015. In that respect hearing in the Court went on. The hearing was completed on 17/02/2021. It is alleged in the FIR that the present Applicant, his brother Sachin and others namely Dattatray, Somnath and Muta etc. were threatening informant's father. They were telling him to withdraw his cases. They threatened to commit his murder, if he did not oblige. It is mentioned in the FIR that on 17/02/2021 accused Sachin had threatened the informant's father in the Court itself. In the

evening the informant's father Ramesh had gone to his agricultural land. At about 05.45 p.m. one Vikram Prajapati told the informant that somebody had stabbed the informant's father in the agricultural field and he was being taken to the hospital. The informant went to that hospital and then he took his father to civil hospital. However, the informant's father was declared dead. On this basis, the FIR was lodged. The present Applicant and others were specifically named in the FIR.

4. Learned counsel for the Applicant submitted that in the FIR itself it is mentioned that there was enmity between two groups and therefore the Applicant is falsely implicated. Mr.Desai submitted that the Applicant was not beneficiary in the entire litigation. The Applicant was not even a party to any of the litigation and therefore the allegations against him are false.
5. As against these submissions, learned APP relied on the statement given by the actual assailant Ganesh. Though, that statement may be inadmissible, at this stage of consideration of

anticipatory bail, the material against the Applicant can be considered which is reflected in that statement. The statement of Ganesh is elaborate. He is the actual assailant. He has described as to how he was in need of money and work. On 04/02/2021 this accused had gone to the house of Sachin at Survey No.16. At that time, besides Sachin, present Applicant and other three namely Atul Mandlik, Nitin Khaire and Sagar Thakre were present. At that time, the accused Sachin had asked this accused Ganesh as to whether he was willing to commit murder of Ramesh. At that time, Ganesh had accepted this offer.

6. This important piece of material against the present Applicant shows that that his custodial interrogation is necessary. He was very much present when the conspiracy was hatched and Ganesh was told to commit murder of Ramesh. Obviously this is a serious offence. Allegations against the Applicant do not appear to be baseless. There is some definite material available with the investigating agency against the present Applicant. The Applicant's custodial interrogation is

absolutely necessary. No case for anticipatory bail is made out.
The application is rejected.

(SARANG V. KOTWAL, J.)