

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

ANTICIPATORY BAIL APPLICATION NO.1126 OF 2019

1. Prakash Jaysing Gawade
 2. Mangal Prakash Gawade
 3. Vishal Haribhau Gawade
 4. Vikas Haribhau Gawade
- Applicants

versus

State of Maharashtra

.... Respondent

.....

- Mr.Rupesh A. Zade, Advocate for Applicants.
- Mr.S.H. Yadav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 26th FEBRUARY, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.360/2019 registered with Baramati Police Station, Pune Rural, under sections 143, 147, 149, 449, 436, 504, 506 of the Indian Penal Code.

2. The FIR is lodged by one Sachin Kondiram Atole. He was married to one Komal on 23/11/2017. On 18/04/2019 she

consumed poison. On 21/04/2019 she passed away. The parents of Komal and their relatives were angry. They brought the dead body in front of the Bungalow of the first informant. The dead body was kept in the porch and the last rites were performed in the porch itself. It is mentioned in the FIR that all the Applicants were present there at that time. They abused the informant and his family. They were accompanied by 20-35 others.

3. The mob became uncontrollable. They entered the house and the informant and his family ran away. The mob set articles in the bungalow on fire causing extensive damage.
4. Heard Mr.Rupesh A. Zade, learned counsel for the Applicants and Mr.S.H. Yadav, learned APP for the State.
5. The learned counsel for the Applicants has submitted that the Applicants have not committed any offence. They are falsely implicated to prevent them from making allegations regarding death of Komal. He submitted that even otherwise their state of mind should be taken into consideration.

6. Learned APP produced the investigation papers before me and has opposed this application.
7. I have considered these submissions. The investigation papers show that the family of the informant has given identical statements as that of the FIR. There is no specific allegation against any of the Applicants except general statement that all of them were angry. It is the allegation that the mob entered the house and caused damage by setting everything on fire. The incident is old, which had taken place in April 2019. Ever after sufficient opportunity, no evidence is collected against the present Applicants to show their exact role in the incident. There is some substance in the arguments of Mr.Zade that the Applicants could be falsely implicated to prevent the Applicants from making allegations against the informant in respect of death of Komal. In this view of the matter, custodial interrogation of the Applicants is not justified. However, they will have to cooperate with the investigation.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.360/2019 registered with Baramati Police Station, Pune Rural, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)