

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

**ANTICIPATORY BAIL APPLICATION NO.2180 OF 2019**

1. Aashish Deepak Bahot
  2. Saurabh Satinder Walmiki
- .... Applicants

versus

State of Maharashtra

.... Respondent

.....

- Mr.Satyam H. Nimbalkar, Advocate for Applicants.
- Mr.S.H. Yadav, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.**  
**DATE : 26<sup>th</sup> FEBRUARY, 2021**

**P.C. :**

1. The Applicants are seeking anticipatory bail in connection with C.R.No.308/2018 registered with Daund Police Station, under sections 302, 341, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code and under section 4 and 25 of the Indian Arms Act.

2. The FIR is lodged by Smt.Meena Vinod Narwala. She is widow of the deceased Vinod Narwala. The prosecution case is

about commission of murder of Vinod Narwala. The first informant in her statement has stated that on 03/05/2018 the informant and her husband Vinod were coming back to their house after visiting a temple. They were travelling on a two wheeler. They were stopped by 15 known persons and 4-5 unknown person. The present Applicants are specifically named by the first informant as the persons who were present at the spot and who intercepted their vehicle. Thereafter the first informant has described the incident wherein the assailants assaulted the deceased with their weapons. There is specific statement that the Applicant No.1 Aashish gave blows with sword. After their assault the assailants ran away. The deceased was declared dead on admission in the hospital.

3. Heard Mr.Satyam H. Nimbalkar, learned counsel for the Applicant and Mr.S.H. Yadav, learned APP for the State.
4. Mr.Nimbalkar submitted that the other accused namely Naresh Prakash Walmiki and Suraj Naresh Walmiki are granted

anticipatory bail passed by this Court (Coram : Nitin W. Sambre, J.) vide order dated 18/02/2019 passed in Anticipatory Bail Application No.376 of 2019. Similarly the accused Usha Ghante, Madhuri Tak, Shobha Walmiki and Mayuri Tak were granted anticipatory bail vide order dated 23/01/2019 passed by this Court (Coram : Nitin W. Sambre, J.) in Anticipatory Bail Application No.2152 of 2018. He therefore claims parity.

5. Learned APP Mr.Yadav opposed this application. He relied on the averments in the FIR and other statements.
6. I have considered these submissions. Initially the Applicants in ABA No.2152/2019 were granted bail. One of the observations in that order was that they were women. Secondly, Naresh and Suraj were granted bail because ABA No.2152/2019 was allowed. However, in the present case, there is specific role attributed to Aashish. In any case, in my opinion, the roles of the Applicants cannot be separated at the stage of anticipatory bail, because section 149 is attracted and there are allegations that all

of them assaulted the deceased. The deceased had suffered as many as 16 injuries and the death was, 'due to haemorrhagic shock due to polytrauma with multiple fractures.' The Applicants' involvement is clear enough.

7. The Applicants had filed this application in the year 2019. Their prayer for interim relief was rejected vide order dated 04/10/2019. Thereafter the Applicants had taken no efforts to get matter on board and to pray for either interim or final relief. The Applicants are absconding since past many months. The incident is quite old. There is sufficient material against the present Applicants. The informant herself is an eyewitness. The Applicants are named in the FIR. No case for anticipatory bail is made out. The application is rejected.

**(SARANG V. KOTWAL, J.)**