

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (ABA) NO. 22 OF 2021

(Sachin Sarjerao Gaikwad ..vs.. State of Maharashtra, through PSO, Lonar, Buldhana)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. V.K. Paliwal. Counsel for the applicant,
Mr. M.K. Pathan, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 27-01-2021

Heard.

2. The applicant is apprehending arrest in Crime 4/2021 registered with Lonar Police Station, District Buldhana for offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.

3. Mr. V.K. Paliwal would submit that there is absolutely no material available with the investigating agency as would link the applicant with the crime.

4. I have perused the material in the case diary, and having done so, I agree with Mr. V.K. Paliwal's submission that at least, at this stage, there is no material against the applicant.

5. The prosecution version is that the deceased Shivanand More and Sanjivani Kamble were seen by witnesses proceeding towards Palaskhed Temple,

alongwith their relatives Chhaya Gaikwad, Asha Sonkamble and Jagdish Sonkamble. However, only Chhaya Kamble and Asha Sonkamble returned and Chhaya reported that the deceased committed suicide by jumping in the well.

6. The death of Shivanand More and Sanjivani Kamble is found to be, *prima facie*, homicidal. The nature and extent of injuries suffered are not consistent with either accidental fall or voluntarily jumping in the well. To this extent, the three persons who were accompanying the deceased are legitimate suspects, they are arraigned as accused and are arrested.

7. However, it is not the version of the prosecution that applicant Sachin was anywhere near the scene of occurrence. Sachin did not accompany the deceased and the three other relatives when the fateful incident happened.

8. It is true that the offence is grave. However, considering that at least, at this stage, there is no material on record to link the applicant with the crime, he is entitled to pre-arrest protection. Needless to say, if the custody of the applicant is necessary at a subsequent stage, in view of the material which may be unearthed, it shall be open for the investigating agency to move an appropriate application which shall be considered on its own merits and in accordance with law.

9. The application is allowed.

10. In the event of arrest in Crime 4/2021 registered with Lonar Police Station, District Buldhana for offences punishable under Sections 302 and 301 read with Section 34 of the Indian Penal Code, the applicant shall be released on furnishing personal bond of Rs.25,000/- with a surety of like amount. Considering the prevailing situation, surety may be furnished within four weeks.

11. The applicant shall attend the Lonar Police Station, District Buldhana, as and when called by the Investigating Officer.

12. The applicant shall not make any attempt to influence the witnesses or tamper with the evidence.

13. The applicant shall not leave the country without permission of the jurisdictional Court.

JUDGE

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