

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.766 OF 2022

RAVINDRA SADASHIV SUDRIK AND OTHERS ..APPLICANTS

VERSUS

THE STATE OF MAHARASHTRA

..RESPONDENT

...

Shri. Rahul R. Karpe, Advocate for the Applicants.
Smt. V. S. Choudhari, APP for Respondents-State.
Mr. S. R. Zambre, Advocate assisting APP.

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CORAM : S. G. MEHARE, J.

DATED : 29th JULY, 2022.

PER COURT:-

1. Heard the learned counsel for applicants, learned APP for the State and Mr. Zambre, learned counsel assisting the learned APP.

2. This Court has discussed the fact in its order dated 28.06.2022. The deceased was brother-in-law and son-in-law of applicants. The deceased and his wife had matrimonial discord. The son of the deceased was in custody of her mother who was living with the applicants. It is an admitted fact that the incident happened in the village of the deceased. There is a evidence that the deceased climbed on the bonnet of the vehicle of the applicants and broken the wind shield. The persons present there were trying to convince the deceased, but he was not listening. He was

obstructing the vehicle. Therefore, he was taken to the side of the vehicle. When the driver started plying the truck, the deceased came under the wheel of the vehicle and died. The applicants have the case that it is merely an accidental death. The accident happened due to the negligence of the deceased. Therefore, interim protection granted to them may be confirmed.

3. The learned APP has produced on record the investigation papers. She has submitted that, few statements are in favour of the applicants and few statements are in favour of the deceased. The learned counsel assisting her has submitted that, the Sessions Court has observed various facts while considering the Regular Bail Application. The applicants have committed serious offence of murder. Therefore, they are not entitled to the anticipatory bail.

4. Perused the papers placed on record. Prima facie, evidence is available on record that, when applicants were returning by their vehicle with the children, suddenly the deceased came in front of their vehicle. He climbed on the bonnet and broke the wind shield of the vehicle. There is also a material available in the investigation papers that the deceased was not listening, therefore, he was taken to the side of the vehicle and then he came under the wheel of the vehicle and unfortunately he died. Considering the facts and the papers placed

before this Court, this Court is of the view that, the applicants have good case for anticipatory bail. Hence, the following order:

ORDER

a. The application is allowed.

b. The interim protection granted to the applicants by order dated 28.06.2022 is confirmed on the same terms and conditions of the bail bond with an additional condition to attend the police station as and when called by the Investigating Officer on written notice and shall not tamper with the prosecution witnesses.

(S. G. MEHARE, J.)