

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.965 OF 2022

PARVAT @ PRABHAKAR MAHADEV KANGUDE
VERSUS
THE STATE OF MAHARASHTRA

...

ANTICIPATORY BAIL APPLICATION NO.966 OF 2022

1. BHAGWAN S/O. MARUTI FARATE
2. AMOL S/O. BHAGWAN FARATE
3. HANUMANT S/O. SUBHASH FARATE
VERSUS
THE STATE OF MAHARASHTRA

...

WITH

ANTICIPATORY BAIL APPLICATION NO.1001 OF 2022
WITH APPLN/2406/2022 IN ABA/966/2022

SUBHASH S/O. MARUTI PHARATE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. R. R. Karpe
APP for Respondent/State : Ms. V. S. Choudhari
Advocate for complainant : Mr. Jeevan R. Patil
(Applicant in APPLN/2406/2022 IN ABA/966/2022)

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CORAM : S. G. MEHARE, J.

DATE : 27-07-2022

PER COURT :-

1. Heard the learned counsel for the applicants.
2. Issue notice to the respondent, returnable forthwith.
3. Learned APP waives service of notice for respondent/State.

4. With consent of the learned counsel for the applicants and learned APP for the respondent/State, the applications stand disposed of on merit.

5. The applicants are the relatives respectively. They had money transactions. The deceased had paid Rs.11 Lakhs to applicant Subhash Maruti Pharate to purchase a JCB machine. However, he did not transfer the JCB machine in his name. Therefore, the deceased was demanding money back. However, on the day of incident, he went to Subhash and was demanding him the money paid to him. However, all the accused told him that they have expended the money and they will return it as and when they will arrange for the same. Therefore, the deceased consumed the poison and died. Before his death, his statement was recorded. It is was the statement as to the cause of his death.

6. The learned counsel for the applicants would submit that the applicant Subhash was not arraigned as an accused. The accused had no concerned with the business of Subhash and deceased. Nothing is to be recovered from the applicants.

7. The learned counsel appearing for the legal heirs of the deceased has produced on record a deed of compromise and made a statement that the applicants and the legal heirs of deceased have settled the dispute amicably.

8. Considering the development of settlement and the nature of the offence, this Court is of the view that the applicants may be protected. Hence, the following order –

- i) All the applications are allowed.
- ii) In the event of arrest, applicants - Parvat @ Prabhakar Mahadev Kangude (in ABA/965/2022), (1) Bhagwan s/o. Maruti Farate, (2) Amol s/o. Bhagwan Farate, (3) Hanumant s/o. Farate (in ABA/966/2022) and Subhash Maruti Pharate (in ABA/1001/2022) be released on bail, on furnishing P.B. and S.B. of Rs.15,000/- each with one solvent surety of the like amount, in connection with C.R.No. 392 of 2022 registered with Karjat Police Station, District Ahmednagar, for the offence punishable under Sections 306, 143, 147, 149, 504, 506 of the Indian Penal Code.

**(S. G. MEHARE)
JUDGE**

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